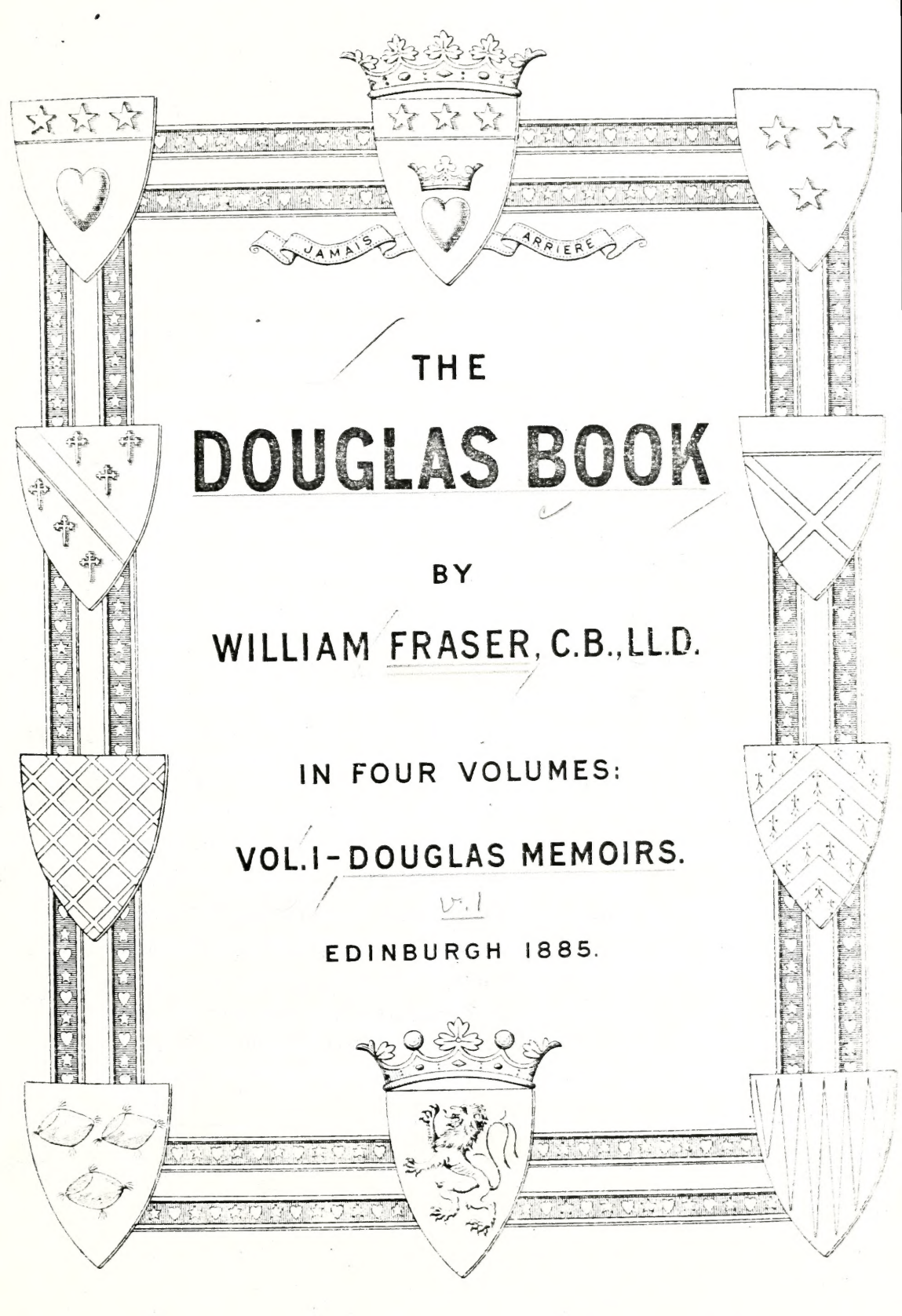
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THE DOUGLAS BOOK

BY

WILLIAM FRASER, C.B., LL.D.

IN FOUR VOLUMES:

VOL. I - DOUGLAS MEMOIRS.

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THE DOUGLAS BOOK

INTRODUCTION.

ORIGIN AND ARRANGEMENT OF THE WORK.

ON the death, in January 1859, of the Honourable Jane Margaret Douglas of Douglas, Dowager Lady Montagu, the extensive estates of Douglas and Angus devolved upon her eldest daughter, Lucy-Elizabeth Douglas of Douglas, Countess of Home. Along with the territorial estates the Countess of Home also inherited an extensive collection of charter muniments relating to the families of Douglas and Angus and their territories.

The husband of the Douglas heiress was the late Cospatrick Alexander, Earl of Home. Soon after the Douglas succession opened to the Countess his Lordship asked me, in the year 1859, to make an inspection of the Douglas Muniments and report upon them generally. Having previously examined a part of them in reference to the ancient title and dignity of Earl of Angus, the extent and value of the collection, and its historical importance were already known to me. Believing that the opening up of the muniments of the illustrious houses of Douglas and Angus would be a valuable addition to the history of Scotland, I took the liberty of suggesting to Lord Home that the more important of the charters and correspondence should be printed, and form one of the series of Scottish Family Histories on

which I was then engaged. His Lordship and Lady Home were pleased to entertain my suggestion favourably, and authorised the work to be proceeded with. His Lordship was pleased to write—"I am very desirous that some skilful and *friendly* hand should be employed, and if you are ever able to do it, I shall be much gratified."[1] In another letter, dated five days later, his Lordship wrote—"It would be selfish in those who can afford the expense to refuse to allow the publication of papers of general interest. . . . I shall certainly feel it my duty to consent to anything which may make Hume of Godscroft more interesting."

It was in this liberal and enlightened spirit, which was so conspicuous in every action of his long and honourable life, that Lord Home listened to the suggestion which I had ventured to submit to him. From time to time his Lordship received from me reports on the extensive collection of Douglas muniments as they were ingathered from various sources. In these reports he was much interested, and his extensive general knowledge of the history of the Houses of Douglas and Angus, as well as of his own distinguished Border House of Home, was readily available when any difficulty occurred in collecting together the scattered muniments. A valuable portion of them nearly escaped observation through an accidental derangement of the lock of a box. This is graphically explained in a letter from Lord Home, dated 31st January 1860, in which he says: "There stands in the hall at Bothwell Castle a handsome chest, with the royal arms upon it, called 'The Chancellor of the Exchequer's Box.' It was inherited by Lady Douglas from her mother, the Countess of Dalkeith, who married as her second husband the famous Charles Townshend. That chest has a curious lock, defended by a spring." Lord Home further explains that he was assured that the secret of opening it had died with the late Lord Douglas. With the assistance of the carpenter, his Lordship cut the Gordian knot, by breaking open the chest,

[1] Letter, dated Douglas Castle, 12th September 1859.

when it was found that the lock had gone wrong. The papers were then forwarded to me, and were found to contain several of the most valuable of the collection.

Five years later, when progress was made in the work, Lord Home wrote:—"I can assure you I never think of the Douglas papers otherwise than with satisfaction that they are in your safe keeping, and that it should have so happened that one so admirably qualified as you are should be able and willing to undertake the task, in your case a labour of love, of arranging, and indeed preserving them from destruction."

In subsequent letters Lord Home referred in his usual kind and generous terms to the "incalculable benefit being rendered to us," adding "No one appreciates the favour you do us more than I do."

In this way did Lord Home, always frank, friendly, and cordial in his correspondence, co-operate with me and encourage me in the task which I had undertaken, till his lamented death in the year 1881. The two volumes of charters and correspondence, being nearly completed, had previously been submitted to him. Since his Lordship's death, and, indeed, since the death of the Countess of Home in 1877, her son and successor in the Douglas estates, the present Earl of Home, has had the control of this work, which has now been completed in four quarto volumes, under his direction, with the valuable assistance of his brother, the Honourable James Archibald Home, barrister-at-law, London. The proof sheets of the memoirs of the Earls of Douglas and Angus, in the first and second volumes, have been revised by Mr. Home with great ability and learning. Both brothers have dutifully fulfilled the wishes of their parents.

The present History of the Douglases cannot boast of a royal origin like the previous well-known History of the Houses of Douglas and Angus by Mr. David Hume of Godscroft. The originator of that history was no less a personage than King James the Sixth of Scotland. Although not himself

possessing much of the heroic in his character, the king was proud of his descent from the house of Douglas. His grandmother, Lady Margaret Douglas, the mother of Darnley, was the only child of the marriage of Archibald, the sixth Earl of Angus and the Princess Margaret of England, the widowed queen of King James the Fourth. King James the Sixth was on terms of intimate friendship with his kinsman, William, tenth Earl of Angus, and induced the Earl to undertake a history of the Douglas family. Obeying his Majesty's commands, the Earl commenced the work and wrote outlines as to how it should be treated. He, however, confided the real labour to Mr. David Hume of Godscroft, who was a relative and friend of the family, and who made the history a life-labour.[1] But though the present work cannot boast of such an illustrious origin as the previous history, it is hoped that from the importance of the family to which these volumes relate, this new history of the Douglases may be considered an acceptable addition to the Family Histories which have appeared in recent years.

At a date so early as the year 1288, there is a notice of the existence of charters of the Douglas family. Sir William of Douglas "le Hardi," father of the Good Sir James, granted to the Abbot of Kelso a receipt for his charters which had been intrusted to the Abbot,[2] probably for safety, in the cell of Lesmahagow. The castle of Douglas was as fatal to the charter muniments of the family as it was dangerous to many of its keepers and castellans. All the charters of the family previous to the time of King Robert the Bruce were lost and destroyed in the successive burnings of the castle, when it was held by the English during the wars of independence. The muniments of the family which then existed did not escape that general destruction of the

[1] In a subsequent part of this introduction special notice will be taken of that history as well as of the various editions of it which have been printed.

[2] Liber de Calchou, vol. i. p. 168.

castle known as the "Douglas Larder." Subsequent forfeitures of the family and burnings of their castle made further havoc of their muniments. Only a very few of the original charters of the Earls of Douglas have been preserved. These charters came into possession of the fourth Earl of Angus when he obtained the Douglas estates soon after their forfeiture in 1455.

While the Douglas documents were thus unhappily lost, those of the Earls of Angus have been preserved. But even these ran the risk of sharing the same fate as those of Douglas. One adventure attending the Angus muniments is related in the memoir of the sixth Earl of Angus. When he was forfeited by the Parliament of King James the Fifth in 1528 the Earl made laudable exertions to save his charters. He had recourse to a large brass beef-pot, which formed part of the furniture of the kitchen of Tantallon, and was of such dimensions that the kitchen boys who stirred the spits could easily lie in it for warmth. With the aid of the captain of the castle, and a stalwart trooper, both of whom were pledged to secrecy, the Earl transferred the muniments from the charter-chest to the pot. The lid was securely clasped with iron, and the pot was buried under a little bridge near the farthest gate of the castle. The three feet of the pot stood upon the solid rock, so as to preserve it from water, and there the charters remained for fifteen years until the Earl's return from England.[1]

The Angus muniments which were thus preserved contained the oldest charters now in the charter-chest. Several of them refer to the ancient family of Abernethy, the Stewarts of Boncle, and the Bruns of Preston in early times. These charters, and the additions which have accumulated in the course of the subsequent three centuries in connection with the Angus

[1] The interment of charters in times of danger was often resorted to. The muniments of the Maitlands of Lauderdale were buried, but were destroyed by damp. The muniments of the Maxwell-Herries families, however, were buried in the garden at Terregles, and preserved without injury.

family were, when intrusted to the author for the present work, contained in twelve large old oak chests.[1]

Dealing with such a large collection of miscellaneous ancient muniments for the purpose of making selections, and reducing these into the form of the present work, was necessarily a slow and tedious process. Much care and labour were necessary, as well as anxious consideration as to the moulding of the almost chaotic mass into shape. The work has now been finally arranged and finished in four volumes.

The FIRST VOLUME contains a detailed history of the EARLS OF DOUGLAS and DUKES OF TOURAINE in France, and their ancestors from William of Douglas, in the time of King William the Lion, to James, the ninth and last Earl of Douglas, who died at Lindores Abbey in 1488. The First Volume also contains a SUMMARY of the memoir of each successive inheritor of the Douglas estates, and a Tabular Pedigree of the Earls of Douglas.

The SECOND VOLUME contains a similar detailed history of the EARLS OF ANGUS from George Douglas, who was the first Earl of Angus of the family of Douglas in the reign of King Robert the Third, down to his lineal male

[1] There is no properly detailed inventory of the Douglas muniments. A modern inventory in two folio volumes exists; but it chiefly refers to the writs of the lands purchased by the Duke of Douglas and the feudal investitures of his successors. In the printed answers for Archibald Douglas of Douglas and his tutors, dated 12th January 1762, in the "Douglas Cause," reference is made to an inventory of the whole writs and evidents of the Duke of Douglas's estate, made by Mr. Andrew Chalmer, writer in Edinburgh, the law-agent of the Duke, after Mr. Archibald Stuart, for three years, from 1756 to 1759. It is stated that during these three years, Mr. Chalmer went through all the Duke's writs and papers, and made an accurate inventory of the whole from the time of King Robert the Bruce [Vol. ii. of Printed Papers in the Douglas Cause containing the Answers]. But that inventory has not been found. Short inventories of portions of the Douglas writs are in the charter-chest. In one of them, there is described a charter by King William the Lion to Walter Barclay [Berkeley], then chamberlain to the king, of the lands of Inverkeillor—without date. But that charter has not been found.

descendant, Archibald, the first and only Duke of Douglas, who died in the year 1761, and the descendants of his sister, Lady Jane Douglas. His Grace was the last of the direct male line of the first Douglas Earl of Angus. The Second Volume also contains a SUMMARY of the memoir of each successive inheritor of the Angus title and estates, and a Tabular Pedigree of the Earls of Angus and their cadets, the Douglases of Glenbervie. It likewise contains the collected Armorial Seals of the Earls of Douglas, Dukes of Touraine, and Earls of Angus, and their signatures, all specially engraved for this work; and, as an Appendix, a history of the LANDS, BARONIES and CASTLES of the Earls of Douglas and Angus.

The THIRD VOLUME of this work contains the CHARTERS relating to both lines, the Earls of Douglas and Angus. The charters of lands which were granted by the successive sovereigns of Scotland to the Earls of Douglas and their ancestors, are known to have been very numerous. The oldest Douglas charters now in the Douglas charter-chest, consist chiefly of a few of the grants of lands by King Robert the Bruce to his faithful companion in arms, the Good Sir James Douglas.

The charters connected with the Angus estates are much more abundant. They are also the most ancient. The intermarriages between the Stewart Earls of Angus and the family of Abernethy, brought into the Angus charter-chest the old charters of Boncle and Preston, and several old and interesting Abernethy documents.[1]

Besides these charters many others, either granted by or to the Douglas family, have been traced in other private charter-chests. Through the liberality of the owners, these charters are either printed at length or ample abridgments of them given in that volume, which also contains a detailed ABSTRACT of all the charters printed in full.

[1] Vol. iii. of this work, pp. 1, 7, 349, 350, 355.

The facsimiles of charters in the third volume form a special feature as illustrations. They are of considerable extent and variety, ranging from the year 1226 to the year 1591. One of the earliest writs, of which a facsimile is given, is an indenture of marriage between Sir Hugh of Abernethy and Sir William of Douglas, for the marriage of Hugh of Douglas and Marjory of Abernethy, dated on Palm Sunday, 1259. This is the oldest contract of marriage which has yet appeared in the history of any Scottish family. There are also preserved in the Douglas charter-chest grants by the two rival kings, Bruce and Baliol, and facsimiles of two of these are given, side by side, in the third volume. Facsimiles of other three Douglas charters are given in this Introduction.[1]

The FOURTH VOLUME contains the CORRESPONDENCE of the Earls of Douglas and Angus. Any family correspondence of an early date probably shared the fate of the charters in the destructions of the castle of Douglas. Many of the letters printed have been collected from the public records as well as private repositories. This volume also contains a detailed Abstract of the correspondence, and a comprehensive Index of persons and places mentioned in the four volumes. Such is a brief outline of the general arrangement of the Douglas Book.

In the first and second volumes there is a series of armorial seals of the Douglas family, from Sir William of Douglas, "le Hardi," in 1296, to Archibald, Duke of Douglas, who died in 1761. The seals of the nine Earls of Douglas are complete with the exception of those of the second and seventh Earls. The first Earl had at least four seals, and each of the subsequent Earls had more than one seal. The great seal of the ninth and last Earl is

[1] With few exceptions, the lithographs of the charters in this work have been made by Messrs. M'Lagan and Cumming, of Edinburgh.

perhaps the most striking in the whole collection. The charges in the fourth quarter of that seal are not in any known seal of the previous Earls of Douglas. These charges have been read as "six piles for Brechin."[1] But that appears to be a mistake, as Brechin is invariably represented by only three piles. The charges referred to indicate in form and appearance stakes made of wood, such as Sir James Douglas probably used in his famous successful stratagem against the English in Jed Forest. The exploit seems to be commemorated in other forms both in earlier and later Douglas and Angus seals. The Earls of Angus, after the fifth, also bore stakes in the third quarter, five in number, which were afterwards reduced to four, and ultimately to three. The latter number has induced the belief that they represented the piles of Brechin. But apart from the discrepancy between the numbers six and three, it is improbable that the ninth and last Earl of Douglas would adopt any representation of the piles of Brechin, as he had no known connection with the family of Brechin, either by descent or marriage, which would warrant his assumption of their armorial bearings in any form.

With the view of making the series of armorial seals quite complete, special inquiries were made for the seal of the second Earl of Douglas, the hero of Otterburn. In Mr. Riddell's "Stewartiana," published in 1843, there are many references to the Douglas family. He describes a charter by Earl James and his armorial seal in the following terms:—

"I not long ago met with an original and interesting old charter, without date, by Jacobus de Douglas, filius et hæres domini Willielmi comitis de Douglas et de Mar, dominus baronie de Onile in Mar,—in other words, the hero of Otterburn, whereby he confirms a grant which 'Johannes Ranulphi, comes Moravie, dominus Vallis Anandie et Mannie, fecit domino Patricio de Carnoto, militi, de manerio suo de Lunfannan, cum parco ejusdem.' But it has especially a seal of the young hero well executed, in fine preservation, the only one of his I believe I have seen, exhibiting the Douglas

[1] Laing's Catalogue of Scottish Seals, vol. i. p. 46.

arms, the heart being uncrowned, with the usual chief, upon which is a label of three points, not unlike what an elder son and heir-apparent might also bear at present. The supporters are two lions, and the crest a plume of feathers. The latter, the true supporters and crest of the house of Douglas, were carried besides by Earl William his father. I have been at the greater pains in noticing this grant, which is from the charter-chest of the ancient and knightly family of Burnet of Leys—where there are also other attractive ancient muniments—owing to every remnant of so gallant a personage as the former being interesting."[1]

On application to the present Sir Robert Burnett of Leys for inspection of the charter and seal of James, Earl of Douglas, quoted by Mr. Riddell, Sir Robert and his agent made a search in the charter-room at Crathes, without finding either the charter or the seal. In the absence of the seal, Mr. Riddell's description of it may be held to be accurate, especially as he says he was particular in his description of it.

No armorial seal of the seventh Earl of Douglas has been discovered, nor any seal used by him as Earl of Avondale; but the armorial bearings which he used as Earl of Douglas are still to be seen on his monument in St. Bride's church at Douglas. They are in good preservation, notwithstanding the neglect to which they were long subject. Part of the original gilding on the arms is still preserved. Separate drawings of the monument and of the arms are given in this volume. The seventh Earl of Douglas held the office

[1] Stewartiana, pp. 131, 132. In a footnote Mr. Riddell explains that the manor of Lunfannan conveyed by the charter of James, Earl of Douglas, above quoted, is a remarkable historical place, where Macbeth was overcome and fell. Mr. Riddell adds an excerpt from a charter by Thomas, Earl of Mar, in the fourteenth century, confirming to Duncan, the son of Roger, the lands of Abergeldy, etc., in Mar, which contains a rendering to the granter of certain services "apud lapidem de Mygbethe in Cromar." Mr. Riddell then asks, "is the stone of Macbeth here Macbeth's cairn, or the stone which commemorates the fall of Macbeth's son?" On examination, however, it appears that Mr. Riddell had misread the letter "v" in Mygvethe for "b," and converted Mygvethe into Mygbethe. The ancient Earls of Mar had a court at Migvie or Mygvethe, where sasine was taken for their earldom.

of Justice-general of Scotland. An impression of his official seal has recently been discovered, and an engraving of it is also given. It is the first time that it has been printed in any work, and it does not appear in the published catalogues of Scottish seals.

The armorial seals of the Earls of Angus are also nearly complete, only that of George Douglas, the first Earl of Angus, being wanting. The seal of James, third Earl of Angus, has not been engraved, as, except the difference in the Christian name, it is identical with that of his brother George, the fourth Earl. Several of these seals are very beautiful as works of art—that of the fourth Earl being particularly graceful. After describing twenty armorial seals of the Earls of Douglas and Angus in Laing's Catalogue of Scottish Seals, the following note is appended, having, we are aware, been written by the late Mr. Cosmo Innes, with reference to them:—"It would be improper to pass these fine seals of the Douglases without recommending them to the particular attention equally of the herald and the admirer of mediæval art. These descriptions convey a very imperfect idea of the beauty of their designs and the general excellence of their execution. In filling an important chapter of Scottish heraldry, they furnish at the same time perhaps the best evidence of the state of art of their periods, and no small proof of the taste and splendour of that illustrious house."[1]

An exhaustive history of the families of Douglas and Angus almost includes the history of Scotland. At an early period in the annals of their country the Douglases are found prominent in battle, in the church, and at Court. In the national struggles for freedom and independence, their names and memories are cherished second only to those of Wallace and of Bruce. As warriors, they long held the distinguished position of leading the van of

[1] Catalogue of Scottish Seals, 1850, p. 48. With a few exceptions, the armorial seals in this work have been engraved on wood by Mr. J. M. Corner of Edinburgh.

the royal armies in battle, and as senators, of giving the first vote in parliament, and also of carrying the crown at royal coronations. They thus long held the hereditary right of doing what in modern times was ascribed to one great member of another illustrious house, who was said—

"To shake alike the senate and the field."

In the great "Douglas Cause," to be afterwards noticed, frequent reference is made to the historical importance of the Heroes of Douglas. In one of the pleadings for the Duke of Hamilton the following tribute is paid to them: In the earlier periods of the Scots monarchy, when the power and authority of the Kings of Scotland was feeble and weak, the noble and great families were the chief support of the crown against intestine rebellions, and the bulwark of the state against foreign invasions. The house of Douglas stood in the front rank of these distinguished families, possessed of a great estate, extensive territories and numerous dependencies. It was closely connected with the royal family by frequent intermarriages, and produced a series of heroes whose gallant and martial achievements in the service of their country, however fatal upon many occasions to themselves, has stamped upon the minds of all ranks and degrees of persons indelible characters of esteem, respect and veneration, which neither length of time, nor the degeneracy of later ages, have been able to efface.[1]

Without anticipating the detailed memoirs of the successive representatives of the Houses of Douglas and Angus, which are related in this and the Second Volume, a slight glance may here be taken at the more prominent members.

[1] Information for George James, Duke of Hamilton and Brandon, dated 15th April 1762. Vol. ii. of Printed Papers.

THE HEROES OF DOUGLAS AND ANGUS.

The heroic deeds of the Douglases inspired the muse of Barbour, in whose great poem of "The Bruce," Sir James of Douglas, the "Good Sir James," is constantly referred to as the "doughty Douglas."[1] This was no mere alliteration, but a description of the character of one who was the greatest soldier of his age, and who gained more battles than any other commander of his time.

He is reputed to have been engaged in seventy battles, and to have been victorious in all except thirteen. Sir Walter Scott, in his account of the personal combat between Sir James Douglas and Sir John de Walton, the famous English knight, says that the number of conquests in single combats achieved by the Douglas in these wars was so great as to make it doubtful whether he was not in personal strength and skill superior even to Bruce himself, and he was at least acknowledged as nearly his equal in the art of war.

Such was the influence of his name, not only in his own country, but throughout England, and such awe had his achievements inspired amongst the old enemies of his country, that English mothers are said to have quieted their children by the mere threat of bringing upon them the Black Douglas. This hero who was thus dreaded abroad, was beloved and trusted in his own country. His brilliant achievements for his sovereign were rewarded by grants of many lands, which along with the original Douglas territory, formed a vast estate. One writ known as the Emerald Charter is unique. It was so called from the fact of King Robert having, in token of investiture in the privileges conferred by the charter, with his own hand placed a ring containing an emerald stone on the finger of Douglas, to abide as a memorial. Neither that ring, nor the original charter with which it was associated, is

[1] The same designation of "doughty Douglas" is frequently used in the Buke of the Howlat by Holland, and Sir David Lindsay in his poems specially refers to the "dochtie Erlis of Dowglass." [Works, vol. i. p. 319.]

known to exist. But the terms of the grant are ascertained from the record of the Great Seal of Bruce.

The memoir of this great warrior is given in a subsequent chapter, and mention may here be made only of the dying bequest by his royal master of his heart to be carried to the Holy Sepulchre. That sacred trust was faithfully undertaken, but at the cost of the life of the courageous Douglas, who fought with a heroism which was truly in the spirit of the words—

"Like Douglas conquer, or like Douglas die."

The character which Holland, the author of the "Buke of the Howlat," applies to the whole race of Douglas—

"O Douglas, O Douglas, tendir and trewe!"

has been deemed specially applicable to the "Good Sir James," who is celebrated by the same writer as "tenderest and deir" to Bruce in his greatest need.[1]

In the progress of the present work an interesting fact has been disclosed in reference to Sir James Douglas. In all former histories of him it has been stated that he had no legitimate issue, but only one natural son, who became the third Earl of Douglas and was himself a noted hero. It has now been ascertained that Sir James was succeeded in his estates by a legitimate son, William Douglas, who, however, did not long survive his father, having been killed at Halidon Hill in 1333. Another interesting fact has been ascertained in reference to Hugh Douglas, the immediate younger brother of Sir James, and the successor of him and his son William in the Douglas estates. In previous histories the position of Hugh Douglas has been misunderstood. He has been supposed to have been weak in mind and

[1] Buke of the Howlat, Bannatyne Club, 1823. Stanzas xxxi, xxxiv. Holland [Stanza xliii], declares that the "bloody heart" was given to the Douglases as an armorial bearing in memory of the fact that the Good Sir James's life-blood reddened the Bruce's heart when he fell at his last battle.

body, as he did not appear in arms with his relatives. This is now explained by his having become a priest, which prevented his joining in warfare. His interesting armorial seal has been misread by heralds. Instead of displaying a knight on horseback, as represented in the Catalogue of Scottish Seals, it is a human heart supported by a unicorn.[1]

Several instances of the prowess of the Douglases are given by their historian, Godscroft. William Douglas, Lord of Nithsdale, a grandson of Sir James, was possessed of great physical strength, far beyond any of his contemporaries. Whomsoever he struck once with mace, sword, or spear, the blow carried death with it, and never required to be repeated. At the battle of Otterburn, James, the second Earl of Douglas, fought with a huge iron mace, which was heavier than any ordinary man could wield, and dealt death to all around. Archibald, Earl of Angus, "Bell the Cat," in his duel with Spens of Kilspindie, cut off his thigh, through bone and all, with a single stroke of his sword.

Sir Archibald Douglas, the youngest brother of Sir James, possessed many of his valorous qualities, and as shown in his memoir, he became regent of Scotland at a very critical period of its history. Sir Archibald Douglas was lord of extensive estates throughout different districts of Scotland.

William, the first Earl of Douglas, son of Sir Archibald, the Regent, and nephew of the good Sir James, was also a distinguished warrior, and his exploits at Poitiers gained him great renown. On the death of King David Bruce, Douglas at first disputed the right to the Scottish throne with the first of the Stewarts. Through his power and influence he added the extensive

[1] Mr. Riddell noticed this seal, which he says, "though not entire, has the heart uncrowned, being the oldest instance of that charge hitherto discovered in the family." [Stewartiana, p. 140, note.] This is the only description which Mr. Riddell gives of the seal, and he does not appear to have noticed that the heart was supported by a unicorn. Nor does he give the legend on the seal, which has an important bearing on the hitherto obscure history of Hugh Douglas.

earldom of Mar to his own earldom of Douglas. His natural son, George Douglas, inherited the ancient earldom of Angus, and was the ancestor of the subsequent Earls of Angus, the Marquises of Douglas, the Duke of Douglas, and his successors in the Douglas and Angus estates, as well as of the Douglas Dukes of Hamilton.

James, the second Earl of Douglas and Mar, was the hero of Otterburn. He was mortally wounded in that sanguinary conflict. But the fact was concealed. The Douglas war-cry was raised as if the hero himself were leading his army to victory—

"And Douglas dead, his name hath won the field."

He was the ancestor of the Douglases of Drumlanrig, and the Dukes of Queensberry, and of the family of Douglas of Cavers. It is of this Earl of Douglas that Burns wrote—

"One Douglas lives in Home's immortal page,
But Douglases were heroes every age."

An interesting fact regarding Sir William Douglas of Drumlanrig, son of the hero of Otterburn, is, that in 1412, he received from James the young King of Scots, then a prisoner in England, a charter written with the king's own hand, confirming all the grantee's lands, Drumlanrig, Hawick, and Selkirk. A facsimile of this charter, dated at Croydon, is here given.[1]

After the second Earl of Douglas fell at Otterburn, his body was conveyed to Melrose Abbey, and interred there with great solemnity. The tombs of the Douglases were in the north side of the chancel, the aisles and

[1] After the memoirs of William, first Earl of Douglas and Mar, and of his son James, second Earl of Douglas and Mar, were printed, the Earldom of Mar Restitution Act was passed on 6th August 1885. It restores to John Francis Goodeve Erskine the earldom of Mar, as held by Isabella Douglas, Countess of Mar, with ranking next after the earldom of Sutherland. The Act also reserves to Walter Henry, Earl of Mar and Kellie, the honour of Earl of Mar created by Queen Mary in favour of John Lord Erskine in 1565, with ranking as of that date.

the chapels. These were wantonly destroyed by the English in 1544. The sixth Earl of Angus resented this desecration, and inflicted punishment upon the offenders at the battle of Ancrum Moor. In the charter of donation by William, first Earl of Douglas, to the abbot and convent of Melrose of the lands of Penangushope and Nether Caldecleuch, in the barony of Cavers, for the welfare of the soul of Sir William of Douglas of Lothian, who was slain by the granter, it is stated that the body of Sir William rests in the church of Melrose before the altar of St. Bridget the Virgin.[1]

The successor of Earl James in the earldom of Douglas was his kinsman Archibald, Lord of Galloway, who appears to have inherited the dark swarthy features of his father Sir James, as he was commonly known as "The Grim" or the Black Earl of Douglas. He acquired by purchase in 1372 the earldom of Wigtown from Thomas Fleming, who was unable to hold it on account of disputes with the petty chieftains of the territory, and was obliged to surrender the earldom to Douglas, figuring afterwards as plain Thomas Fleming, "alias Comes de Wigton."[2]

By his marriage with the heiress of Moray of Bothwell the third Earl of Douglas added the barony of Bothwell as well as many lands in Morayshire to his Douglas and Galloway possessions. When King Robert the Third, in the year 1398, created his eldest son, Prince David, Duke of Rothesay, and his brother Robert, Earl of Fife, Duke of Albany, the king also desired to create Sir Archibald, the Black Earl of Douglas, a Duke. But the Earl declined the honour, and when the heralds called out to him "Schir Duk, Schir Duk," he mockingly replied "Schir Drak, Schir Drak." He would only accept the name of Earl, which was an ancient dignity in Scotland, while that of Duke was only then created for the first time.[3]

The Earl of Douglas, however, was not devoid of ambition. He arranged

[1] Vol. iii. of this work, p. 19.

[2] Registrum Magni Sigilli, vol. i. p. 114, No. 5.

[3] The Book of Pluscarden, edited by Felix J. H. Skene, 1880, vol. ii. p. 254.

for the marriage of his daughter Mary to David, Duke of Rothesay, Prince of Scotland, and of his eldest son to the daughter of the king. This third Earl was also a good friend to the Church, as will be seen from his memoir in a subsequent chapter.

Archibald, fourth Earl of Douglas and second Lord of Galloway, succeeded his father, the third Earl. He had more experience than success in warfare, and was popularly called "Tyneman," owing to his loss of many battles. But he always displayed distinguished bravery. By his power and influence he added still further to the importance of his family both in his own country and also in France. The Earl acquired the Lordship of Annandale, and for services rendered to Charles the Seventh of France, was created DUKE OF TOURAINE in that kingdom. He was also made Lieutenant-general of the French forces. This was on the eve of the sanguinary battle of Verneuil in Normandy, fought in the year 1424. The Duke and his second son James were both killed in the battle, and their bodies were interred at Tours, the capital of his duchy.[1]

The subsequent Earls of Douglas and Dukes of Touraine were prominent in the State, though less publicly distinguished than their predecessors. Archibald, fifth Earl of Douglas, besides succeeding to the dukedom of Touraine, also acquired the title of Earl of Longueville in France. William, the sixth Earl of Douglas and third Duke of Touraine, was only in his sixteenth year when he succeeded to his father, the second Duke. According to

[1] It is this Earl of Douglas who is made to figure so conspicuously in "The Fair Maid of Perth," as the father-in-law of Rothesay. Sir Walter Scott, however, is historically inaccurate in that fascinating romance. The Earl of Douglas, who is made to announce to the Duke of Albany the death of the Duke of Rothesay, is represented as the father of Lady Mary Douglas, Duchess of Rothesay. Her father was the "Grim" Earl of Douglas, and died before the death of Rothesay. The Earl of the romance was the fourth Earl, afterwards Duke of Touraine, who was the brother, not the father, of the Duchess of Rothesay.

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Godscroft he imitated royalty, creating knights, holding courts like parliaments, and having in his ordinary train a thousand horse. The name of Douglas was then so great

"That scarce above it tower'd the royal throne,"

but their greatness created jealousy and caused their ruin. The young Earl was accused of regarding himself as a foreign and independent prince, and of meditating evil against his country. He was invited to the castle of Edinburgh by Chancellor Crichton, and after a mock trial was, with his only brother, David Douglas, beheaded in the castle on 24th November 1440.

On the death of the sixth Earl the titles of Duke of Touraine and Earl of Longueville both passed away from the Douglases. James Douglas, Earl of Avondale and Lord Balvany, the granduncle of the sixth Earl, succeeded to him as seventh Earl of Douglas. He had, in 1437, been created Earl of Avondale in his own right. He only enjoyed the earldom of Douglas for three years, as he died in 1443. He was popularly called "the Gross," from his uncommon corpulence.

His son, William, became eighth Earl of Douglas, and restored the power of his house by his marriage with his second cousin, Lady Margaret Douglas, "the Fair Maid of Galloway." She was the only daughter of Archibald, fifth Earl of Douglas and second Duke of Touraine. This Earl William was for a time in great favour and influence with King James the Second, and became Lieutenant-general of Scotland. In the course of fourteen months—between May 1450 and July 1451—he received the large number of thirty-two charters from King James the Second under the Great Seal. These charters, although they included great earldoms, regalities, lordships, baronies, lands, castles, forests, burghs, offices, patronages, etc., did not actually add to the Earl's possessions, as they were granted on his own resignation to himself and a series of heirs, but the enumeration of these charters shows the vast territorial possessions of this Earl of Douglas. In

1452 the Earl became involved in trouble with his sovereign. Under an assurance of safety he was invited as a guest to Stirling Castle, where he was mortally stabbed by the king's own hand in an apartment still known as the "Douglas room." That blow from the royal hand was fatal to the Earls of Douglas. James, the ninth Earl, and the three younger brothers of the murdered Earl endeavoured to avenge his fate, but after a brief struggle, the Douglases submitted and returned to their allegiance to the king.

The reconciliation, however, was only a hollow truce. The murder by the king rankled in the minds of the Douglases. The Earl and his three brothers still harboured feelings of revenge for the cruel fate of the sixth and eighth Earls. The king, however, was the first to take the field, and though Douglas mustered an army, his hesitation to fight produced defection in his camp, and he was obliged to flee. His brothers were defeated at the decisive battle of Arkinholm on 1st May 1455. One of them was slain, and another captured and beheaded. The Earl of Douglas himself escaped into England, where he was received into favour by King Edward the Fourth, and invested with the Order of the Garter. He joined the Duke of Albany in invading Scotland in 1484. Douglas was captured, and brought into the presence of King James the Third, who ordered him to be confined in Lindores Abbey. He submitted to become a monk, retiring from the royal presence with his back to the king, who was the son of the murderer of his brother. He died in the year 1488, about the time when the king himself was slain at Sauchieburn. This was the last Earl of Douglas. The title had been enjoyed by the family for ninety-eight years, being an average of only eleven years to each Earl.[1]

[1] This frequent change in the succession is in marked contrast to the enjoyment of the dukedom of Queensberry by that branch of the Douglas family. Between 1711 and 1810 —a period of one hundred years—the dukedom was possessed by only two Dukes.

THE ANGUS LINE of the house of Douglas was also an illustrious race, and many members of that line performed distinguished services to the state as regents, chancellors, statesmen, and warriors. George Douglas, the first Earl of Angus, accompanied his kinsman, the fourth Earl of Douglas, to the battle of Homildon in the year 1402. He was taken prisoner, and died of the pestilence in the same year.

His son William, the second Earl of Angus, was employed in important embassies to England between the years 1423 and 1430, and held the office of Warden of the Middle Marches. He was in command at the battle of Piperdean in the year 1435, and gained the victory.

George, the fourth Earl of Angus, was guardian of the East Marches. As warden of the marches he, in 1455, led the royal forces against his kinsmen, the brothers of the ninth Earl of Douglas, who had taken up arms against the king. For his success in this enterprise Angus was rewarded with a gift of the forfeited estates of Douglas. This gave rise to the saying that the Red Douglases, as the Angus line was named, had swallowed up the Black Douglases, as the Douglas line was called. Thus possessed both of the Douglas estates and of the earldom of Angus, this Earl became a very powerful nobleman, and was known as the "Great Earl." When King Henry the Sixth of England was dispossessed of his rule by King Edward the Fourth, and took refuge in Scotland, the Earl of Angus entered into an important indenture with him at Edinburgh on the 22d November 1462. For the assistance promised by Angus, King Henry engaged to create him a Duke of England, to hold to him and the heirs-male of his body for ever, with lands north of the Trent and Humber to the yearly value of 2000 merks English, and that within a month after Henry regained possession of his kingdom, or of the greater part thereof. That indenture is still preserved with the signature of the king affixed, and his Great Seal appended, which he had carried with him from England to Scotland. But Angus died before the promised dukedom could be

obtained. This was the second instance of the title of Duke being lost to the Douglas family, and it did not come into the Angus line till very late in their history.[1]

The eldest son of the fourth Earl, Archibald, fifth Earl of Angus, and Chancellor of Scotland from 1493 to 1498, was popularly known as "Bell the Cat." This appellation was derived from the well-known incident connected with the despatch of the favourites of King James the Third at Lauder.

This Earl accompanied King James the Fourth on his fatal expedition into England. Remonstrating with the king against his mode of conducting the advance of his army, the king taunted Angus with being afraid. This affront to the veteran was inexcusable, and Angus left the field in sorrow, but he commanded his eldest and second sons, and all their followers, to continue with the king. They fell at Flodden with 200 Douglases. The Earl died the same year in the Priory of Whithorn. Godscroft, the family historian, describes Angus, and praises him for his personal virtues and accomplishments.

In Marmion, the author is not satisfied with one description of the personal appearance of "Bell the Cat." He recurs to his hero in several stanzas:—

"His giant form, like ruin'd tower,
Though fall'n its muscles' brawny vaunt,
Huge-boned, and tall, and grim, and gaunt,
Seem'd o'er the gaudy scene to lower:
His locks and beard, in silver grew;
His eyebrows kept their sable hue."[2]

. . . .

[1] This fourth Earl of Angus commended himself to the favour of the Prior and convent of the Abbey of Hexham. In letters dated from the Chapter House of Hexham, 13th August 1456, they refer to the devoted attachment of the Earl to their Abbey, for which he should be remembered in their prayers for protection against the darts of the fierce enemy, and after death be happily united to the Author of Salvation. Vol. iii. of this work, p. 82.

[2] Marmion, by Sir Walter Scott, canto v. stanza xv. edition 1857, p. 193.

"Beside him ancient Angus stood,
Doff'd his furr'd gown, and sable hood:
O'er his huge form and visage pale,
He wore a cap and shirt of mail;
And lean'd his large and wrinkled hand
Upon the huge and sweeping brand,
Which wont of yore, in battle fray,
His foeman's limbs to shred away,
As wood-knife lops the sapling spray.
He seem'd as, from the tombs around,
Rising at judgment-day,
Some giant Douglas may be found
In all his old array;
So pale his face, so huge his limb,
So old his arm, his look so grim."[1]

. . . .

"On the Earl's cheek the flush of rage,
O'ercame the ashen hue of age:
Fierce he broke forth—'And darest thou then
To beard the lion in his den,
The Douglas in his hall?
And hopest thou hence unscathed to go?—
No, by Saint Bride of Bothwell, no!
Up drawbridge, grooms!—what, Warder, ho!
Let the portcullis fall.'"[2]

Gavin Douglas, the learned Bishop of Dunkeld, was one of the younger sons of "Bell-the-Cat," and Archibald Douglas of Kilspindie was another.

[1] Marmion, by Sir Walter Scott, edition 1857, canto vi. stanza xi. pp. 216, 217.

[2] *Ibid.*, stanza xiv. p. 218. The "impregnable Tantallon," so well sung by the gifted poet in the same work, and the other great castles held by the Douglas family, are rather at variance with Sir Walter's account of the defenceless village of Douglas—that the ancient Lords of Douglas adhered to their prejudices against fortifications, and their opinion of keeping the field, quaintly expressed in the well-known proverb of the family, "It is better to hear the lark sing than the mouse cheep." Castle Dangerous, ed. 1833, p. 480.

The latter in his youth was a special favourite of King James the Fifth, who familiarly called him his "Greysteil." But losing the favour of his sovereign, he was treated with that harshness which the king meted out in his "hasty wrath" to all of the name of Douglas. The king's cruelty was specially inflicted on a granddaughter of "Bell-the-Cat," Janet Douglas, Lady Glamis. She was burnt to death on the Castlehill of Edinburgh as if she had been a witch, although the crime of witchcraft was not even laid to her charge, nor any proof offered of such a crime.

For his services to the Crown the fifth Earl of Angus received from James the Third and James the Fourth, kings of Scotland, various grants of lands. Among these were the lands of Crawford-Lindsay, which were forfeited by the Earls of Crawford. In a decreet-arbitral, which finally adjusted the right of Angus to those lands, it was provided that he should infeft John, Earl of Crawford, in three acres of the lands called Stroroholme Knowe, in Crawford-Lindsay, for the reservation and keeping of his style of the earldom of Crawford. That reservation shows how, in the end of the fifteenth century, a connection between a personal peerage of an ancient date and the land from which the name was derived, was respected.[1]

The grandson of "Bell-the-Cat" became his successor as sixth Earl of Angus in 1514. In the same year he married Queen Margaret, widow of King James the Fourth. Like his grandfather, this Earl also held the office of Chancellor, and for a time the chief power and influence in the state were wielded by him in conjunction with his younger brother, Sir George Douglas of Pittendriech, who was a very able and experienced statesman.

Allusion has been made in the notice of the third Earl of Douglas to his

[1] Vol. iii. of this work, p. 155. This fifth Earl of Angus made a mark in the history of Scotland. Although he did not display such a royal style as his predecessor, the sixth Earl of Douglas, he had no mean following, as appears from the safe-conduct by Henry the Seventh, in 1493, to the Earl to travel into England with a train not exceeding forty persons, and an equal number of horses, etc. *Ibid.* p. 144.

peculiar refusal of the title of Duke. In reference to that dignity a similar story is told of Archibald, sixth Earl of Angus. When he was informed by Queen Mary of Guise, then regent, of her intention to make Huntly a Duke, Angus vowed by St. Bride of Douglas, "that if he be a duke, I will be a drake." This threat of Angus continuing to be supreme over Huntly, even should he be raised to be a Duke, intimidated the queen, and diverted her from her purpose of carrying out the intended creation, and it was not till centuries afterwards that the representatives of the Angus and Huntly families received the dignity of Dukes.

The sixth Earl of Angus, although he was the stepfather of King James the Fifth, and had been guardian to the king in his youth, was for many years cruelly treated by the king, who forfeited his titles and extensive estates, and banished the Earl and his relatives from the kingdom.

The Regent Morton was a Douglas of the Angus line, being the younger son of Sir George Douglas, brother of the sixth Earl. His efforts to secure the earldom of Angus for his nephew Archibald, the eighth Earl, were successful, although he had to contend against the powerful influence of the heir of line, Lady Margaret Douglas, daughter of his uncle, the sixth Earl, and Countess of Lennox. Morton's nephew became also, in 1587, Earl of Morton. He is known in history as the Earl of Angus and Morton, and as the Good Earl. On his death, without surviving male issue, the Angus title devolved on the Glenbervie branch of the Douglases, who carried on the line of descent. It was the second Earl in the Glenbervie line, William, the tenth Earl of Angus, who commenced the history of the houses of Douglas and Angus at the express command of King James the Sixth. It was he who received from King James the Sixth a special ratification of the privileges of his family, and of their place in Parliament.

The eleventh Earl was created Marquis of Douglas in 1633. His great-grandson Archibald was third Marquis of Douglas. He was created Duke of

Douglas, and on his death without issue the elder male line of the Earls of Angus came to an end. Lady Jane Douglas was his only sister. The romantic story of her chequered life is told in a subsequent chapter in a more exhaustive form than in any previous memoir. Her only surviving son Archibald Douglas succeeded to the Douglas estates on the death of the Duke, after a protracted litigation, well known as the great "Douglas Cause," with George James, Duke of Hamilton, then a minor, who claimed them as the collateral heir-male of the Duke of Douglas. Archibald Douglas of Douglas was, in 1790, created BARON DOUGLAS of DOUGLAS in the peerage of Great Britain. His present successor and representative in the estates of Douglas and Angus is Charles Alexander, Earl of Home, who is also Baron Douglas of Douglas, a title which was recreated in favour of his father, the late Earl of Home, after the extinction of the former title by the death, without issue, of James, the last surviving son of Archibald, first Baron Douglas.

THE TWO DOUGLAS BISHOPS, BRICE AND GAVIN.

While the houses of Douglas and Angus were famous in war and in the state, two of the younger members were distinguished for their eminence in the church and in literature. So early as the second known generation of the Douglas family, Brice, a younger son of William of Douglas, first of Douglas, became a priest, and afterwards Bishop of the extensive diocese of Moray, which office he held for nearly twenty years, between 1203 and 1222.

The Angus line also produced an eminent and learned divine, Gavin Douglas, who was Bishop of Dunkeld from 1516 to 1522. He became even more famous as a poet, being author of the "Palice of Honour" and "King Hart," as well as other poems. He translated the Æneid of Virgil into Scottish verse. It is the greatest of his poetic productions. Short memoirs

of these two bishops will be found at their proper dates in the first and second volumes of this work.

In "Marmion," Bell-the-Cat is made to say,—

> "Thanks to Saint Bothan, son of mine,
> Save Gawain, ne'er could pen a line."

But that is a poet's licence. Three at least of the sons of Bell-the-Cat, as well as himself, were good penmen, as appears from specimens in facsimile in their respective memoirs. In addition to these there is a grant by "Bell the Cat" to David Scott of Buccleuch, of the castle of Hermitage, dated 17th April 1472, which contains the signature of "Archibalde, Erl of Angus," as will be seen from the facsimile of the charter here given.

Sir Walter Scott, however, was as happy in his description of the personal appearance of the poetic bishop, as he was in the delineation of his father, already quoted—

> "Amid that dim and smoky light,
> Chequering the silver moonshine bright,
> A bishop by the altar stood,
> A noble lord of Douglas blood,
> With mitre sheen and rocquet white;
> Yet showed his meek and thoughtful eye
> But little pride of prelacy;
> More pleased that in a barbarous age
> He gave rude Scotland Virgil's page,
> Than that beneath his rule he held
> The bishopric of fair Dunkeld." [1]

ROYAL ALLIANCES OF THE DOUGLASES.

Both the houses of Douglas and Angus were frequently allied in marriage with the royal family of Scotland. James, the second Earl of Douglas and Mar, married the Princess Isabel, eldest daughter of King Robert the Second.

[1] Marmion, by Sir Walter Scott, edition 1857, canto vi. stanza xi. p. 216.

The gallant William Douglas of Nithsdale married Egidia, another daughter of King Robert the Second, and acquired the lordship of Nithsdale as a marriage portion with his wife. He was a son of the third Earl of Douglas, and a grandson of the Good Sir James.

Archibald, the fourth Earl of Douglas, married the Princess Margaret, eldest daughter of King Robert the Third. The Lady Mary Douglas, sister of that Earl, married Prince David, Duke of Rothesay. George Douglas, the first Earl of Angus, married the Princess Mary, youngest daughter of King Robert the Third. After the death of Angus the Princess Mary married successively other three husbands. The grandson of her first marriage, James, third Earl of Angus, was betrothed to the Princess Johanna, daughter of King James the First.

Archibald, the sixth Earl of Angus, married the Princess Margaret of England, widow of King James the Fourth. The only child of that marriage was Lady Margaret Douglas, who was the mother of Henry, Lord Darnley, afterwards King of Scotland, as the husband of Queen Mary. From that marriage her present Majesty, Queen Victoria, is lineally descended.

EXTENSIVE DOUGLAS TERRITORIES.

The power and influence of the house of Douglas may be estimated by their extensive territorial possessions. These territories may be taken at two different periods; one in the time of William, eighth Earl of Douglas, who succeeded in the year 1443, and was killed by King James the Second, in the year 1452, and the other in the time of Archibald, eighth Earl of Angus, who succeeded in 1558 and died in 1588.

Besides the lordship of Douglas, extending in length for about sixteen miles, from the mountain of Tinto on the east to the hill of Cairntable on the west, the eighth Earl of Douglas possessed several other earldoms regalities, and baronies, in eleven counties of Scotland. He held the lands of

Ferme and Rutherglen in the county of Lanark, with the barony of Abercorn annexed to the earldom of Douglas in free regality. In the same county he also possessed the baronies of Bothwell and Cormannock, and the lands of Blairmuiks, Culter, and Crawford-john; in Ayrshire the lordship of Stewarton and Dunlop, with the lands of Trabeath; in the stewartry of Kirkcudbright the lordship of Galloway and the earldom of Wigtown; in Dumfriesshire the lands and regalities of Eskdale and Stabilgorton; in Selkirkshire the forests of Ettrick and Selkirk; in Roxburghshire the baronies of Sprouston, Hawick, Bedrule, and Smailholm, with the lands of Brondon; in Berwickshire the lordship and regality of Lauder, with the lands of Brigham and Hassington; in Peeblesshire the barony of Glenquhim; in Haddingtonshire the barony of Bolton; in Linlithgowshire the lands of Culter and Ogleface, the half-lands of Dundas and Echlin, and lands in Dalmeny and Queensferry; and in Aberdeenshire the barony of Aberdour, with the castle and rock of Dundarg.

Of these extensive territories the eighth Earl of Angus appears to have possessed only Douglasdale and Bothwell. To these, however, were added the lands forming the great earldom of Angus and the large barony of Crawford. He also succeeded his uncle, the Regent Morton, in his title and territorial possessions.

At one time, indeed, in the zenith of their greatness, the Douglases might almost have travelled on their own lands from Garioch in the north of Scotland to Galloway in the south. Even at the present day, when shorn of their former extensive territories of Galloway, Annandale, and Nithsdale, the Douglas owners of the Castles of Douglas and Drumlanrig can walk or ride to and from those castles on their own land without requiring to touch on the property of any conterminous owner. The distance is about thirty miles.

THE DOUGLASES AND THE GLEDSTANES.

One of the few remaining Douglas muniments relating to William, first Earl of Douglas, which has been preserved, requires special notice: It is a

letter of protection addressed by the Earl to Sir William of Gledstanes, knight, as his bailie of the barony of Cavers, charging him to defend the abbot and convent of Melrose in their freedoms and privileges, as lords of the lands of Ringwood, within that barony. The letter bears date at Melrose, on the 24th of April 1360. It is written in the French language, which the first Earl of Douglas frequently used, having been educated in France.[1]

The family of Gledstanes of Gledstanes, like that of the Douglases, was connected with the county of Lanark from an early date. Herbert of Gledstanes is the first of the name who has been found on record. The Christian name of Herbert was a very common one in the subsequent history of the family. Herbert swore fealty to King Edward the First in the year 1296 for lands in the county of Lanark. These were, no doubt, the lands of Gledstanes in the parish of Liberton, now the united parish of Liberton and Quothquan.

Besides holding the important office of bailie under the first Earl of Douglas, Sir William of Gledstanes was associated with the Earl in his military exploits in France. He accompanied the Earl to that country in the year 1356, and was belted a knight at the battle of Poitiers.[2]

The office of bailie held by Sir William of Gledstanes under the first Earl of Douglas, was continued in the family of Gledstanes in the time of Archibald, fourth Earl of Douglas, afterwards first Duke of Touraine. This appears from a precept which was granted by that Earl to James of Gledstanes on the 4th November 1413.[3] The connection between the Earls of Douglas and the family of Gledstanes, indeed, appears to have lasted as long as the Earls of Douglas themselves. Forty years after the forfeiture of the ninth Earl and his brothers, in the year 1455, Hugh Douglas, dean of Brechin, who was son of Hugh Douglas, Earl of Ormond, brother of the last Earl of

[1] Vol. iii. of this work, pp. 21, 22, and facsimile of the letter and seal there given.

[2] Fordun, ed. 1871, vol. i. p. 377, *note*.

[3] Original at Floors Castle. The date of 1403 should be 1413. A facsimile of the Precept is here given.

Nrl[ibi]bus Comes de douglas dns [illegible] ... dilecto mo Jacobo de Aldestanmo ballmo
nro in hac pte Regalitatis nre de Sprollbiston fil[illegible] p[er] concessim[us] dilecto sruitori nro Johi de Cra
mston filio quondam dni ebilli de Cramston [illegible] Curiam liberam tenc p[er] cartam nram hr[edi]
tarie in villa & territo de Sprollbiston infra [illegible] cursu ejusdem ex pte occidentali p[ar]tis ville ab
aquilone in meridiem linialiter extendent [illegible] nudam & p[ro]prim[um] esse dicto Johi vel suo
certo attornato latori p[rese]ntium statim possessionem [illegible] dicte curie debite tenende sedm formam
carte nre quam inde habet protestantes nichilominus ad quid ego Jo[hann]es Jayston modo & forma
p[re]d[i]c[t]e fiendum vobis potestatem nram communem p[er] p[re]sentes In cuius rei testimonium
mum p[re]sentibus est appensum apud Edynburgh quarto die mensis Novembris anno dni millesimo
quadringentesimo tho

Douglas, entered into an indenture at Edinburgh, on the 24th January 1496, with his kinsman Archibald, fifth Earl of Angus, then Chancellor of Scotland, and best known as "Bell the Cat." Amongst other matters agreed on between the two kinsmen, the dean became bound, immediately after entering to the lands of Glenquholm, Pettinane, Gledstanes, or any other lands belonging to the Earls of Douglas, or Earl James, Lord Avondale, or the dean's father, the Earl of Ormond, in the shires of Lanark, or Peebles, or elsewhere in Scotland, to resign into the hands of the king the fee of such lands in favour of the Earl of Angus and his heirs, reserving to the dean only the liferent of the lands resigned till he obtained promotion to a dignity or benefice by the help of the chancellor.[1]

George, fourth Earl of Angus, had obtained from the crown a grant of the forfeited estates of Douglas, in the year 1457, but his son and heir, "Bell the Cat," may have had difficulty in making the grant effectual, in so far as related to Gledstanes and the other two landed estates mentioned in the indenture. The chancellor, therefore, deals with his cousin the dean as heir-male of the Earls of Douglas, Avondale, and Ormond, to complete his feudal title to Gledstanes and the other lands, and thereafter to dispone the fee to Angus. We know from other records that Pettinain belonged to the Earl of Ormond at the time of his forfeiture. Portions of Pettinain were granted to other persons than the Earl of Angus, and "Bell the Cat" may have wished to dispute these grants, as coming in place of the Earls of Douglas, Avondale, and Ormond. This accounts for Angus dealing with his cousin the dean to assist him in recovering the lands of Gledstanes, and others.

From that claim of the Earl of Angus, as coming in place of the Earls of Douglas, to the lands of Gledstanes either in superiority or property, it may be inferred that these lands had originally belonged to the barons of Douglas along with their other Lanarkshire estates, and been granted by them to

[1] **Indenture, vol. iii. of this work, pp. 160, 161.**

Herbert of Gledstanes, whose descendants continued to be closely connected officially with the Earls of Douglas.

The descendants of Sir William of Gledstanes continued to make a figure on the Borders for many generations till about the middle of the last century. Their principal residence was Cocklaw, a castle situated in the parish of Cavers, in Roxburghshire, while their lands lay in the adjoining parish of Kirkton, and also in the parish of Manor, in Peeblesshire. The Gledstanes of Cocklaw were also known by the territorial designation of Gledstanes of that ilk.

Another branch of the family of Gledstanes was also known as of that ilk, and latterly of Craigs and Kelwood, or Upper Kelwood, in the parish and shire of Dumfries,—both families being probably descended from the original stock of the name in Lanarkshire.

The Gledstanes of Cocklaw and Craigs failed in the direct male line, and came to be represented respectively by an heiress and two co-heiresses. Janet Gledstanes, the heiress of Cocklaw, died unmarried about the year 1734, and the property was sold about the year 1741. The two co-heiresses of Craigs, Agnes and Elizabeth Gledstanes, succeeded their father, John Gledstanes, in Craigs and Kelwood about the year 1620.

A third line was the Gledstanes of ARTHURSHIEL, near the old place or castle of Gledstanes, in Lanarkshire. The first of the Gledstanes of Arthurshiel who has been traced was William Gledstanes, who, before the year 1565, was Laird of Arthurshiel. His lineal male descendants continued as owners of that property for many generations, until William Gledstanes disposed of it, and went to reside in the town of Biggar about the year 1679. Sir Thomas Gladstone, Baronet, of Fasque, in the county of Kincardine, and his brother, the Right Hon. William Ewart Gladstone, M.P., of Hawarden, are descended in the direct male line from William Gledstanes of Arthurshiel, in the time of Queen Mary, and William Gledstanes, last of Arthurshiels and of Biggar,

who was their great-great-grandfather. Their father, the late Sir John Gladstone, Baronet, of Fasque, obtained a royal licence to drop the final letter *s* in his surname. Previously the letter *e* in Gled had been changed to *a*; and Gladstone is now the prevailing form of using the ancient Scottish name of Gledstanes.

The connection between the three lines of the Gledstanes family which have now been noticed, and Herbert of Gledstanes of 1296, has not been ascertained. But it is probable he was the common ancestor of all those lines of which that of Arthurshiel alone is now represented by male descendants.

CADET BRANCHES OF THE DOUGLASES.

Besides the main lines of Douglas and Angus, there were many branches of the family who became very distinguished. Although it is not within the scope of the present work to give a detailed history of these branches, they may be briefly referred to.

THE DOUGLAS DUKES OF HAMILTON.

Lord William Douglas, second surviving son of William, first Marquis of Douglas, was created Earl of Selkirk. He married the Lady Ann Hamilton, who was Duchess of Hamilton in her own right, and he was then created Duke of Hamilton for life. He was the direct lineal ancestor of the present Duke of Hamilton, who is thus a Douglas in the male line.

THE DOUGLAS DUKES OF QUEENSBERRY, EARLS OF MARCH, ETC.

The Dukes, Marquises, and Earls of Queensberry, and also Dukes of Dover, Marquises of Beverley, and Earls of Ripon, were also another distinguished branch of the Douglas family which rose to the highest rank. Their ancestor was James, second Earl of Douglas and Mar, who was the hero of Otterburn in 1388. He left two illegitimate sons. One of them, William

Douglas of Drumlanrig, was the ancestor of the Dukes of Queensberry, who are now represented in the female line by the Duke of Buccleuch and Queensberry, while the Marquisate of Queensberry is inherited by the heir-male, John Sholto[1] Douglas, the eighth and present Marquis. The other son of James, second Earl of Douglas and Mar, was the ancestor of the Douglases of Cavers, who long held the office of hereditary Sheriff of Teviotdale.

The title of EARL OF MARCH, which was created in Lord William Douglas, son of William, first Duke of Queensberry, in the year 1697, was inherited by his grandson, William, third Earl of March and Earl of Ruglen, who succeeded as fourth Duke of Queensberry in 1778. He had thus three peerages in his person. Dying without issue in December 1810, the title and estates of March were inherited by Francis, Earl of Wemyss and March, grandfather of the present Earl of Wemyss and March.

The titles of EARL OF SOLWAY, Viscount Tibberis, Baron Douglas of Lockerby, Dalveen, and Thornhill, which were created in the person of Charles Douglas, Earl of Drumlanrig, in the year 1706, merged in the dukedom of Queensberry in 1711, and became extinct on the death of the Duke in 1778 without surviving male issue.

Besides the dignities now referred to as created in the Douglas family, there were also the peerages of Earl of Ormond, Earl of Forfar and Lord

[1] The name of Sholto, stated by Godscroft to have been the founder of the Douglas family, does not appear to have been continued either in the line of the Earls of Douglas or of the Earls of Angus—at least till quite recent times. This is not what usually occurs. Respect for the name of the founder of a great family generally insures that his Christian name at least occasionally appears when he has a long line of descendants. Lately the families of the Marquis of Queensberry and the Earls of Morton have adopted the name of Sholto as Christian names. The only commemoration of the fabulous Sholto connected with the territory of Douglas is a great oak, known as "Sholto's Club." It stood, a remarkable object, where Douglas Dale was bounded by several scattered trees, the outskirts of the forest and hill country. [Castle Dangerous, edition 1833, p. 417.]

Wandell, Earl of Dumbarton and Lord Ettrick, Viscount of Belhaven and Lord Mordington, created in different members of the Angus line. Of these dignities the only one now subsisting is that of Earl of Selkirk, which lately merged in the Duke of Hamilton as the heir-male of the late Dunbar James, Earl of Selkirk. The others are either extinct or dormant.

THE DOUGLAS EARLS OF MORTON.

The Earls of Morton were another distinguished branch of the house of Douglas. Their reputed ancestor was Sir Andrew of Douglas, who was the younger son of Sir Archibald of Douglas, eldest son of William, the first known Douglas in the time of King William the Lion. Sir Andrew was the great-grandfather of Sir William Douglas of Liddesdale, commonly called "the Knight of Liddesdale," and "the flower of Chivalry." He was the first Douglas who acquired the baronies of Dalkeith and Aberdour. He also obtained a grant of the earldom of Athole in 1335, but only held it for about seven years, having resigned the earldom in 1342. The Knight of Liddesdale was killed by his kinsman and godson, William, first Earl of Douglas, while hunting in Ettrick Forest, an episode explained in the memoir of the first Earl of Douglas. He left an only child, Mary, and was succeeded by his nephew, Sir James Douglas of Dalkeith, who was also a distinguished knight.[1]

[1] Mr. Innes, in his preface to the Cartulary of Moray, refers to a charter granted by Sir William Douglas of Liddesdale, and adds, "The granter, I suppose to be the bastard son of good Sir James Douglas" [p. xxxviii]. This is a serious mistake, into which Mr. Innes was led by Godscroft, whose statement he should have tested, when he styles him rather irreverently "the gossipping chronicler of the House of Douglas."

Mr. Riddell has, at great length and with severity, vindicated the Knight of Liddesdale from the imputation of bastardy made by Godscroft and Mr. Innes. He says, "I may observe, by the way, that all mere supposition should be entirely banished from genealogy: it is a stern and impracticable subject to deal with, neither susceptible of fancy, poetry, nay even of the noblest flights of the imagination" [Stewartiana, p. 83]. The learned Ruddiman,

The testament of Sir James is printed in the Registrum Honoris de Morton. It is one of the oldest known wills existing in Scotland, and bears evidence that Sir James had a refined taste for books in several branches of literature, including law and romance.

James Douglas of Dalkeith, a successor of that Sir James, was created EARL OF MORTON. The third Earl dying without male issue in 1553, the earldom of Morton was inherited by the husband of Lady Elizabeth, his third daughter, James Douglas, who became the famous Regent Morton. He was a Douglas of the Angus line, and was succeeded by his nephew, Archibald, eighth Earl of Angus, as Earl of Morton, as already explained. The eighth Earl left no male issue, and his title of Earl of Morton descended to Sir William Douglas of Lochleven, as sixth Earl, who was the ancestor of Sholto-George Watson Douglas, the present Earl.

A writer in "British Family Histories" thus refers to the greatness of the Douglases:—"In the long course of years from the defeat of the English till the establishment of the Reformation, what a part the Douglases have played! A Douglas received the last words of Robert Bruce; a Douglas spoke the epitaph of John Knox. They were celebrated in the prose of Froissart, and the verse of Shakespeare. They have been sung by antique Barbour, and by Walter Scott, by the minstrels of Otterburn, and by Robert Burns. Indeed, it is matter of general consent among our Scottish neighbours that the Douglases are their most illustrious family."[1]

A race so illustrious gave rise to the couplet quoted by Godscroft:—

"So many, so good as of the Douglases have been,
Of one surname were ne'er in Scotland seen."

in his edition of Godscroft's History in 1743, noticed the mistake as to Sir William Douglas, and corrected it in these few words: "He is not son to Sir James the Good Lord Douglas, but son lawful to Sir James Douglas de Laudonia" [vol. i. p. 115].

[1] Quarterly Review, No. cxcvi., March 1856, p. 294.

PREVIOUS HISTORIES OF THE DOUGLASES.

The history of the houses of Douglas and Angus by Hume of Godscroft, afterwards to be noticed, is commonly believed to be the only, as it is the best known account of the family. But though not generally known, and only casually referred to by Hume of Godscroft, and never by any other writer on the Douglas family, another history of the Earls of Douglas was written in the sixteenth century, and appears to have been finished in the year 1560. The author was Sir Richard Maitland of Lethington. The original manuscript, or a contemporary transcript, is preserved in the charter-room of His Grace the Duke of Hamilton. It is a small quarto volume consisting of forty-six leaves written in a careful hand of the sixteenth century. A leaf or two at the beginning, containing the first part of the Preface or Introduction, is now missing. The volume is bound in parchment, part of which seems to have been originally used for the engrossment of a legal instrument bearing the date of the year 1607. From names of persons which have been scribbled on the blank leaves at the end of the volume it appears to have belonged successively to different owners. The crumpled edges of the leaves, and the tattered binding, indicate that the volume has been much handled.

Sir Richard Maitland, the author of that history, was born in or about the year 1496, and was the eldest son of William Maitland of Lethington and his wife, Martha Seton, daughter of George, second Lord Seton. Sir Richard was educated at the University of St. Andrews, and became an accomplished scholar. He afterwards studied law in France. He was appointed an extraordinary Lord of Session in the year 1551. About nine years afterwards he had the misfortune to lose his eyesight, but his blindness did not incapacitate him for business. Sir Richard died on the 20th of March 1586, at the age of ninety years. Notwithstanding the blindness under which he suffered for a long period of his life, he was a diligent historical writer and

poet, as well as collector of legal decisions, and of early Scottish poetry. The best of his own poems are "The Blind Baron's Comfort," and a "Ballat of the Creation of the World." His poems were printed in 1830 for the members of the Maitland Club, which was named after him. In the previous year, the club had printed his history of the House of Seton.

Sir Richard's history of the Douglas family begins with a narration of the exploits of the good Sir James, chiefly drawn from Barbour's poem of the Bruce, and ends with James, the ninth and last Earl of Douglas. It is prefaced by some remarks upon the parentage of Sir James Douglas, and his succession, but the author is unable to solve the difficulties he propounds. The history is very meagre, and contains little information on the real history of the Douglases. It has been quoted in the present work; but the references to it are very few. In a concluding paragraph Sir Richard excuses himself for not writing the history of the branches of the Douglas family at the same time as the Earls. He expresses a hope to be able, at some future time, to write the history of the branches also; but he recommends that each branch should make a perfect history of their own house. "And so ends," he adds, "this historye of that noble and famous hous of Dowglass and Erlis thairof, collectit and set furthe be Sir Richard Maitland, of Lethington, Knycht, ane of the Senattouris of our Souveranis College of Justice, the day of Anno i^{m}v^{c}lx." [1]

[1] Mary Maitland, the second daughter of Sir Richard, appears to have acted as his amanuensis after his blindness. His poetical collections are contained in two volumes. One is a quarto, in her handwriting. On the first page is her name, and the date 1585. Pinkerton says that Sir Richard had lost his sight before 1561: and the daughter, writing from the diction of the venerable old bard, would form an admirable subject for painting. [Ancient Scottish Poems, 1786, vol. i. preface, p. vi.] The Poems of Sir Richard Maitland were printed in the year 1830, by the Maitland Club, under the editorial care of Mr. Joseph Bain, advocate. Amongst the works of Sir Richard which are mentioned in the Preface, his History of the Earls of Douglas is not included, being unknown. [Preface, p. lxvi.]

HUME OF GODSCROFT'S HISTORY.

The History of the Douglas family by David Hume of Godscroft is a much more elaborate and exhaustive work than that of Sir Richard Maitland. As already mentioned, the fame of the Douglases had impressed the youthful mind of King James the Sixth, whose grandmother was a Douglas, and in obedience to the royal wish, the tenth Earl of Angus began a history of the family. He was, indeed, so identified with it as to be the reputed author of "A Chronicle of the House of Douglas."[1] His son, the eleventh Earl, states that his father actually drafted, with his own hand, the first "delineaments, instructions, and noates" for the history. But the tenth Earl did not live long after the work had been commenced, and died many years before it was completed. The real authorship of the history, as we now know it, is justly attributed to Godscroft, to whom the tenth Earl confided the work. Godscroft must ever be remembered as the historian of that great family, to whom he showed so much devoted attachment, both as a relative and a retainer.

Godscroft's own personal history, so far as it is known, may be briefly stated. He was born in or about the year 1560, and appears to have been the third son of David Hume of Wedderburn, and his wife, Mariota Johnstone, daughter of Andrew Johnstone of Elphinstone.[2] Godscroft inherited the blood

[1] Moule's Bibliotheca Heraldica. George Crawfurd, in his Peerage of Scotland, published in 1716, states that the Earl of Angus, "from the Scots history, and the documents of his family, wrote a chronicle of the Douglasses,—a much more elaborate work than that put out in the year 1644, dedicated to the Marquis of Douglas." [Peerage, p. 105.] In that statement Crawfurd appears to have fallen into error. Sir Robert Douglas in his Peerage does not adopt the statement, and Mr. Wood in his edition of Douglas only mentions it in a modified form. Crawfurd, who had access to many of the Charter-chests in the west of Scotland, had probably seen the bulky MS. History of Godscroft, now at Hamilton Palace, and without strict examination, had hastily inferred that it was a separate chronicle of the Douglas family by the Earl of Angus. But no such separate chronicle is known to exist, although diligent inquiry has been made for it.

[2] Mr. James, Mr. David, and John Hume, as brothers-german to George Hume of Wedderburn, granted discharges to him for

of Douglas from his grandmother, Alison Douglas, the wife of David Hume of Wedderburn, his grandfather. She was a daughter of George, Master of Angus, eldest son of "Bell the Cat." The name of David Hume is entered in the Register of Students at the University of St. Andrews, as incorporated in St. Leonard's College, in the year 1578. The entry probably applies to our historian, who afterwards took the territorial designation of Godscroft from a small property of that name situated in the parish of St. Bathans, Berwickshire. It now forms part of the estates of Colonel Milne-Home of Wedderburn, who is in possession of the title-deeds of Godscroft so far back as the year 1589.

The lands of Godscroft[1] were held in feu from the collegiate church of Dunglas, and the provost of that church, with consent of the patron, Alexander, Lord Home, granted, on 2d April 1589, a charter of these and other lands, to Mr. John Home, brother to George Home of Wedderburn. Five years afterwards, in August 1594, Mr. John Home disponed to his brother David the lands of Godscroft and Luckiesmill, granting on the 28th of the following September a formal feudal charter of these lands to David Home and his spouse, Barbara Johnstone, daughter of James Johnstone of Elphinstone. Thenceforward David Hume was designated of Godscroft. The lands continued to be possessed by him till his death, in or about the year 1632. On the 1st March of that year, John Hume, as his eldest surviving son, renounced his claim to enter heir to his father, in favour of Dame Mary Hume, Lady Arniston.[2] On the 29th of the same month of March, she obtained a decree of adjudication, adjudging from John

their provisions under their father's testament, dated 17th June and 20th July 1589, and both recorded in the Books of Council and Session, 14th January 1590. [Vol. iii.]

[1] The natives pronounce the name Gowkscroft, gowk in the Scottish language being applied to the Cuckoo. Hume sometimes styled himself *Theagrius*.

[2] She appears to have been a niece of Godscroft.

Hume the lands of Godscroft and others. These lands remained in the family of Dundas of Arniston for several years, and were acquired before 1725, by Mr. Ninian Home of Billie, from whom they appear to have descended to the present owner, Colonel Milne-Home.

Godscroft enjoyed many advantages for writing his History. About the year 1582, as appears from his own work, he became the confidential agent or secretary of Archibald, the eighth Earl of Angus and fifth Earl of Morton. When, at a later date, he was employed by William, tenth Earl of Angus, to write the history of the Douglases, he was able to gather many traditions of the family, and had full access to their muniments.

As the first "delineamentis, instructions, and noates" made by the tenth Earl for the history, and also the original draft of the work as completed by Godscroft, are missing, it is impossible to say how much of the history was written by the Earl, and how much by Godscroft. But the work, as we now know it, both in contemporary manuscript and the printed edition, bears to be written by Godscroft.

A copy of the History in manuscript is still preserved at Hamilton Palace. It appears to have been acquired by Lord William Douglas, the first Douglas Duke of Hamilton. A sheet of holograph notes by his Grace criticising the history, is preserved with the manuscript. This copy forms a large folio volume bound in vellum, and is divided into two nearly equal parts—the first part, relating to the Earls of Douglas, contains 356 pages, while the second portion, the history of the Earls of Angus, contains 341 pages. Both parts together form a bulky volume of 697 folio pages, all closely written. This appears to be the copy which the eleventh Earl of Angus intended to be printed by himself and his revising assistant. It contains many additions and corrections throughout holograph of the Earl. The work was dedicated by Godscroft to that Earl, and by him rededicated to King Charles the First. The copy of the letter of dedication by Godscroft, which is in the Hamilton copy of the work,

is addressed to the eleventh Earl as Marquis of Douglas, and subscribed "David Hume." But this dedication to the "Marquis" is an anachronism, as Godscroft had died shortly before the Earl was created a Marquis.[1]

The exact year in which King James the Sixth expressed his wish for a history of the Douglas family has not been ascertained. But it was probably about the year 1595, or four years after the succession of the tenth Earl to the title. The work was probably commenced by Godscroft in or about that year, and it was finished during the lifetime of the King, who is referred to in the preface as "Now happily the first King of Great Brittaine, France and Ireland." But although the history was thus finished in manuscript before the year 1625, in which King James died, a delay of six years occurred before a licence was obtained in 1631 to print it, and a further delay took place before the work was printed and published in 1644.

The following letter of dedication written by William, eleventh Earl of Angus, afterwards Marquis of Douglas, to King Charles the First, explains the origin of the work. The letter is undated, but it had been written before the 17th of June 1633, when the Earl was created Marquis, and probably after 14th September 1631, when a licence to print was obtained.

To the King's most Excellent Majestie, Charles, etc.

It will please yow, sir, the king your father, of ever blissed memorie, was pleased to give ordour vnto my lord and father to looke into his evidentis and other records, thereby to informe his Majestie of the true originall, descent and pedegree of the howse of Dowglas and Anguss, which hath the honowr to haue been the roote and stock of his royeall progenitouris vpon the father's side; which direction my lord, my father, in his time did carefully endeavour (according to his bounden dutie) to performe, by drawing with his owne hand the first delineamentis, instructions and noates for the penning of this present historie; and therefter, by recommending the more paineful parte of the exact searching and setting doun particulars by waye of an historicall

[1] Godscroft was also the author of a History of the House of Wedderburn by a son of the family, which was printed for the Abbotsford Club in the year 1839. He likewise wrote several poems.

narration vnto the care and industrie of this honest and learned gentleman, whose name is here prefixed to the worke. And he hauing now acquitted himself of that charge with that candour which well befitted a faithfull and vnpartiall wryter, he was induced by his owne reasons to dedicate his labouris vpon this subiect vnto me (as is apparent by his subsequent epistle). But I, considering that the first motion and occasion of raiseing and reviving of these auncyent worthies from the dust of a long and obsolete obliuion proceeded from the most praiseworthy and generous mynde of your royeall father, thought it most reasonable and best beseeming me, humbly to surrender vnto his late Majestie and to yourself that which I accounte more honour than belongis to me, where any of your princely names are but mentioned. And therfore I do, in all submission, entreate your excellent Majestie to be graciously pleased to suffer these good endeavouris to returne back again vnto that princely point where thay took thare first beginning, by accepting of the same into your favourable protection; which I do presente vnto your Majestie with my verie best affections and most dutiful service, as being confident that your Majestie will no les refuse at some houres of leisure, to cast a favorable eye vpon these true memoriallis of these your princely progenitouris, than your royeall father did to heare and reade with applause certain congratulatorye Latin verses, wherewith this author was bold to entertaine and wellcome his late Majestie at his ioyefull returne into his native countree from England in the year 1616; a parte of which verses were as follows: "Atque hæc inter tot diademata," etc.[1] And Englished, "But, sir, desdaine not," etc.

Your Majestie's most humble and most obedient, ANGUSS.[2]

Another letter, or rather an old copy of a letter, is bound up with the manuscript copy of the History which is at Hamilton Palace. It refers to the many painful years in which the author had laboured on the work, and his great anxiety even on his deathbed to have the work published. The following is the letter:—

It may please your Majestie,

This learned gentleman, the author of this book, haueing often in his life tyme and but a few dayes before his death, earnestlie entreated (nay coniured) me by our

[1] The congratulatory poem by Godscroft here referred to was entitled, "Regi suo gratulatio."

[2] From the original or an old copy letter affixed to MS. copy of Godscroft's History in the Advocates' Library, Edinburgh.

long continued frendship and education together, and for my own name's sake, not to suffer this birth (for bringing foorth whereof he had beene in labour soe manie painfull yeares) to perish and be smoothered in the cradle; which vehement desire of the dead, and last testimonie of his loue and confidence in me, I haue beene exceeding loth to disappoint: Therefore after diligent pervseing of the same, I haue by the good assistaunce of a persounadge of speciall note, and chieflie interessed in the bussines, done my best to bring it thus to light. The author hath withal left me these twoe subsequent epistles to be prefixed theirevnto. But myself haueing thus this smale interesse therein (though clayming nothing of it but the faultes), and being one growne old in the service of the king your Majestie's father, of ever blessed memorie, and therethrough haueing been, amongst diuers others, an eare-witness that his late Majestie gaue the first occassion to this research by his expresse comaundemente to the late Earle of Angus (William the 4 that died at Paris),[1] whoe accordinglie set downe the first grounds thereof, from his auncient evidentes and other recordes; as likewise haueing the honour still to continewe one of your Highnes owne domesticks withall, I could not be aunswerable to myself in duetie, without presenting it vnto your excellent Majestie as your proper due, and submissiuelie peticcioning your gracious protection to this posthume orphan that dares not otherwise venture to come vppon the stage, and vndergoe the curious censure of the world: Wherevppon, when your Majestie shalbe pleased to cast your favourable eye, theare may be seene that besydes the nomerous race of your royall progenitours, theise alsoe not a few nor to be contemned worthies, are to be likewise reckoned in that list, with many rare examples of vertue, and forceible stirrings vpp to generous actions, which was not vnfitlie expressed by this same author to the king, your Majestie's father, in some Latine verses, wherewith he welcomed his Majestie at his last progresse in Scotland in anno 1617, a few lynes whereof are sett downe on the other syde as not impertinent to this purpose.

Your Majestie's most humble and most obedient servant,

G. D.

The writer of this letter, whom Godscroft thus made his literary executor, has been identified as Sir George Douglas of Mordington, a grandson of Sir George Douglas of Pittendriech, who was brother of Archibald, sixth Earl of Angus. His father was known as George Douglas of Parkhead, having married Mary Douglas, the heiress of that estate, as narrated in the second

[1] This refers to the tenth Earl of Angus, father of the first Marquis of Douglas.

volume of this work.[1] Sir George Douglas of Mordington, like Godscroft, was a companion of the eighth Earl of Angus during the latter's exile in England in 1581, and also in his adventures during 1583.[2] After the death of that Earl, George Douglas entered the service of King James the Sixth, as appears from a receipt in his name in 1589.[3] He continued to act as a Gentleman of the Bed-Chamber for many years, probably until the death of King James, and received the rank of knighthood. Beside the principal manuscript copy of Godscroft's work, already noted, there is at Hamilton Palace a careful manuscript transcript of the Angus portion of it, made about the year 1662 or later. On a blank leaf of this transcript is a reference to Sir George Douglas, in the form of an epitaph, composed by himself before his death. He claims that he "did familliarlie converse with all the antient worthies of the name" of Douglas, and that "some ingredients he put in the charmes, that maks those long-neglected lords reviwe." Sir George Douglas did not long survive his friend Godscroft, as he died on 7th September 1634, and he was interred in St. Bride's, Douglas, by the favour of the Marquis of Douglas. Another epitaph, by a later hand, informs us that he was a great lover of the muses, who are represented as mourning his decease.[4] Perhaps he aided in contributing the curious Latin verses which appear in Godscroft's History at the end of each memoir.

Godscroft was, in his capacity of secretary and confidential agent, in constant correspondence with Archibald, the eighth Earl of Angus, who died in 1588, and was much trusted by the ninth, tenth, and eleventh Earls of Angus. But notwithstanding all this intimacy with these four successive Earls, there has not been found among the muniments of the Douglas family a single original letter of their laborious historian. His correspondence may have perished in the fire which, in the year 1758, destroyed

[1] Pp. 168, 169.

[2] *Ibid.* pp. 339, 348, note.

[3] Vol. iii. of this work, p. 294.

[4] MS. at Hamilton Palace, p. 326.

Douglas Castle itself. The only document which has been found in the Douglas Charter-chest relating to Godscroft is an original contract entered into at Edinburgh on 7th December 1626, between him and William, eleventh Earl of Angus. In it the Earl narrates the good, true, and thankful services, other gratitudes, pleasures, and good deeds done by Godscroft to him and his predecessors in time bygone, and binds himself and his heirs to infeft Mr. David Hume and his heirs, by charter and sasine, in the lands of Wester Brockholes, in the lordship and regality of Boncle and Preston, and shire of Berwick.[1] This was duly done, the charter bearing date 7th December 1626.[2] The lands, however, were granted under reversion for the sum of one thousand merks Scots, redeemable at the Earl of Murray's tomb in the Kirk of St. Giles, Edinburgh, after the death of Mr. David Hume. Part of the good services and deeds done by Godscroft no doubt had reference to his history of the Douglas family, which appears to have been completed about the time that the contract was made.[3]

While no other specimen of the handwriting of Godscroft has been found in the Douglas Charter-chest, a discharge written and subscribed with his own hand in the year 1616, has been found at Castle Menzies. This document, of which a facsimile is here given, is of much importance as proving that manuscript copies of Godscroft's History, which are occasionally offered for sale as in the handwriting of the author, are really in other and unknown handwritings. The terms of the holograph receipt by Godscroft are as follows:—

[1] Contract in Douglas Charter-chest.

[2] Douglas cartulary, MS., vol. i. folio 112, in the Douglas Charter-chest.

[3] An earlier notice, in the fifteenth century, of these lands of Brockholes is interesting, as showing the form then in use of annulling an infeftment. Lady Elizabeth Drummond, spouse of George, Master of Angus, on 6th August 1495, proceeded to the ground of the lands of Brockholes, and there broke a wooden dish in token of breaking a sasine of the lands, which had been too hastily granted to Peter Carmichael. Vol. iii. of this work, p. 146.

I Wm Dalrd Lrme of Godscroft, grante me be thes presente to habe recevd from Thomas Nasmithe Scrivtare to the Kings mtie of that ilde, the somme of fyvetie tlb monye scotis, in respect qrof I am contente to Gilbert and Anna Thomsones in ffeirand name I habe receivd the said somme, and for a farther mnifestg of and obligatione made to them qrin mentyd, qlke to thm are assignd, continues the said bande, and payment therof tlb martimas nixt to come, renuncing all benefite that may enstre on the non payment therof for all formar yeirs. Binding and obliseing me to renounce these presente argumentis from ad wardis at Yule, nowise and subscrivd with my owin hande. Ste Edr the 23 of Junij 1600 and of Regne Kinge Jame the Elevinth my Lawfull soon, then nyntie m fyftene yeirs

D: Wm Dalrd

I, Mr. David Hwme of Godscroft, grants me by this present to have receved from James Nasmithe, servitour to Sir Alexander Meinzes of that ilk, the sowme of fourtie lib. moneye Scots: in respect qhuerof, I, as curator to Gilbert and Anna Jhonstoune, in qhuais name I have recewed the said sowme, as for a termes annwell of ane obligatioun maid to thair wnqhuyll mother, qhuerto thay ar assignayes, continwes the said band and payment therof till Mairtimes next to cum; renuncing all penaltie that mycht ensew on the non payment thairof for all termes past: Binding and oblisching me to warrand this present acquittance from all deadlye, all law. Written and subscryvit with my owen hand: At Edinburgh, the 23 of Junij 1600 and sextein; Befor thir witnes, Jhon Hwme my lawfull soon; Hew Nisbet in Kimmerghame.

D. HUME.[1]

The earliest and latest specimens of the signature of Godscroft which have been found are affixed to the contract as to the lands of Godscroft dated in 1594, and the subsequent contract affecting Brockholes, dated in 1626. The following are facsimiles of the respective signatures:—



Bound up with the manuscript copy of Godscroft's History at Hamilton is "A Copie of the Principall Liscense" given by Archbishop Spottiswoode to print the work. It is in the following terms:—

Wee by these presentis graunt liscense for the imprinting the Book wryten by Master David Hume of Godiscroft, of the lives and descent of the familie of Douglas, and containing in it nothing contrarie to pietie and good manners: And being profitable to stirr vpp the posteritie to the imitation of virtuous and noble actes.

Sic subscribitur

Dairsie, 14 September 1631. SANCT ANDROIS.

Advantage was not taken of that licence to print the book in the lifetime of the author. One of the causes of delay was probably the death, in 1634,

[1] Original at Castle Menzies.

of Sir George Douglas, who appears from his letter above quoted to have taken great interest in the work. But the manuscript copy which has been preserved bears many traces of careful preparation for the press. Throughout the whole of it there are many additions in the handwriting of the first Marquis of Douglas. The death of Godscroft appears to have delayed the printing, although, as already shown, he had expressed anxiety on the subject only a few days before his death.

The original title-page, which appears to have been written by the author himself, is preserved in the manuscript copy of the Douglas part of the work, in the Library of the Faculty of Advocates, Edinburgh. It is as follows:—

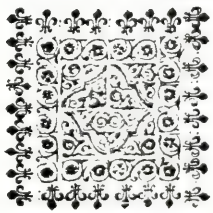
THE ORIGINE
And Descent of the most noble
And jllustrous familie, and name
of Douglas:
Conteyning their Lyfes, and valerous
Actes of armes, for the Defence
And glorie of the Crowne
of Scotland.
Collected out of Histories, publike
Monuments, Evidents and others the
Lyke Records of Ancient memorie,
Of the Realme of Scotland;
And devyded in two traitties
By
Dauid Hume of Gods-croft
Gentilman.

Douglas by Anagrame, Al so gud.
No name, no Race, no pedegree, nor blood
In Albion were ere seene, Al so Good.

The second or Angus part of the history was first printed, but not until the year 1643. It bears the following title: "The Second Part of the History of the Douglasses, containing the House of Angus. By Master David

THE HISTORY OF THE HOUSES OF DOUGLAS AND ANGUS.

Written by Maſter DAVID HUME *of* GODSCROFT.



EDINBURGH,

Printed by EVAN TYLER, *Printer to the Kings moſt Excellent Majeſtie.*

1644.

THE SECOND PART OF THE HISTORY OF THE DOUGLASSES,

CONTAINING

THE HOUSE OF

ANGUS.

By Maſter DAVID HUME of Godſcroft.

EDINBURGH,

Printed by EVAN TYLER, *Printer to the Kings moſt Excellent Majeſtie.* 1643.

Hume of Godscroft. Edinburgh, printed by Evan Tyler, printer to the King's most excellent Majestie, 1643."

The first or Douglas part bears the date of 1644, with the following title-page: "The History of the Houses of Douglas and Angus, written by Master David Hume of Godscroft. Edinburgh, Printed by Evan Tyler, printer to the King's most excellent Majestie, 1644." Exact facsimiles of these two title-pages are here given. Neither of the title-pages are in the revised copy of the manuscript history at Hamilton.

Both parts of the work were published in one folio volume in the year 1644, or rather printed with the intention of being published in that year, as the publication was interrupted. On a comparison of the copy prepared for the press with the edition first printed, it appears that the print is quite different in many portions from the revised copy. Many parts of the latter have been omitted in printing. Mr. John Hume, the son, and Anna Hume, the daughter of Mr. David Hume the author, incurred the expense of printing the work from another copy which may have been inherited from their father. Owing to the careless editing and extensive abridging of the manuscript, the print gives only an imperfect idea of Godscroft's work. This gave dissatisfaction to the first Marquis of Douglas and his eldest son Archibald, Earl of Angus. The displeasure of the Marquis is expressed in a letter dated 25th January 1644, while the printing was proceeding, in which he states his willingness to "compone" with the editors, to pay a part of the expense of printing, and to let them have the benefit of the "trew richt coppie."[1]

The Earl of Angus, eldest son of the Marquis, being then, by an arrangement with his father, in possession of the family estate, was so much displeased with the history as printed, that he obtained from the Privy Council of Scotland an injunction, or arrestment as it is called, against the sale of the

[1] Vol. iv. of this work, p. 252, No. 241. This evidently refers to the copy revised by himself, and now at Hamilton.

work. That injunction lasted for two years, after which an arrangement was come to, as appears from the following order of the Privy Council dated 30th July 1646. "The Lords of Counsell discharges heirby the arrestment layd vpon the bookis of the historie of Douglas and Angus at the instance of Archibald, Lord Angus, to the effect the same may be vended and sold for the vse of Anna Home and Mr. John Home, minister at Eccles, at whois charges they wer printed."[1]

Such were the unfortunate circumstances which attended the publication of the great life-labour of Godscroft. Throughout his entire work he displays the most devoted loyalty to his patrons, and he extols the Douglases as the greatest family known to the world either in ancient or modern times. He records their praises under four principal heads: antiquity, nobility, greatness, and valour.

Recent writers have differed as to the merits of the work of Godscroft. Mr. Tytler, though great as an historian himself, seems to have entertained as much prejudice against the historian of the Douglases as he too frequently displays against many members of the Douglas family. Of Hume he writes:—"As a biographer Hume of Godscroft not unfrequently gives us characteristic traits which I borrow from his pages when they bear the marks of truth. As an authentic historian no one who has compared his rambling eulogistic story with contemporary documents, will venture to quote him."[2]

A writer on "British Family Histories" gives a more favourable estimate of the work of Godscroft in the following notice of his book:—

"'The History of the Houses of Douglas and Angus' ends with the death of

[1] Regist. Secreti Concilii—Decreta MS. H.M. General Register House, Edinburgh. Anna Home was also an independent authoress, and wrote the "Triumphs of Love, Chastity, and Death," translated from Petrarch, Edinburgh, 1644, 12 mo.

[2] Mr. Tytler's History of Scotland, third edition, 1845, vol. iv. pp. 333, 334, note. It may be stated, however, in justice to Godscroft, that Mr. Tytler never saw the manuscript, which is much superior to the printed work.

Archibald the eighth Earl of Angus, a friend of the historian's, in 1588.[1] With all its defects, occasional exaggerations in the early parts, and here and there a genealogical error, which the more accurate science of the day enables us to correct, and in spite of a certain pedantic tediousness and prolixity, this book of Hume of Godscroft still remains an excellent specimen of its class. Antiquaries esteem it as a good general authority; and its loyalty of spirit, antique dignity of style, and occasional gleams of picturesque colour, make it worthy of a larger number of readers than it has lately found. It were to be wished that any English family of corresponding rank had a history of corresponding excellence. But it is a curious circumstance, that while England is a thousandfold richer than Scotland in antiquarian literature—in county histories, for example, those monuments of the greatness of English families—Scotland has produced the best family histories from the days of Godscroft to the days of the 'Lives of the Lindsays.'" [2]

The sale of Godscroft's History appears to have been unsuccessful. The injunction against the sale for two years probably injured the market. Successive attempts appear to have been made to show its importance by an alteration in the title-page. The first of these alterations was in the year 1648, four years after the printing of the work was completed, and two years after the injunction against the sale of it had been withdrawn. The new title-page of 1648 was in the following terms: "The History of the Houses of Douglas and Angus—wherein are discovered the most remarkable passages of the kingdom of Scotland, from the year 767 to the reign of our late soveraign Lord King James the Sixth, written by Master David Hume of Godscroft. Edinburgh: Printed by Evan Tyler, Printer to the King's Most Excellent Majestie, and are to be sold by T. W. at the King's Arms, in Paul's Churchyard, London, 1648."

With the exception of that new title-page no other portion of the impression of 1643 and 1644 was altered or added to, though the addition made to

[1] This refers to the printed edition—the MS. at Hamilton Palace continues the work to 1611, when the tenth Earl of Angus died.

[2] The Quarterly Review, No. cxvi., March 1856, p. 299.

the title-page indicated that the work included a history of Scotland from the year 767 to the reign of King James the Sixth.

Nine years after the new title-page of 1648 appeared, another title-page was substituted in the year 1657. That new title still further expanded the idea of representing the work as a general history of Scotland, in the following terms:—"A General History of Scotland from the year 767 to the death of King James: containing the Principal Revolutions and Transactions of Church and State, with Political Observations and Reflections upon the Same, by David Hume of Godscroft. London: Printed for Simon Miller at the Starr in St. Paul's Churchyard, 1657." The title-page of the Angus part of the work, with the date of 1643, remains as originally printed, as well as all the other portions of the book.

These successive alterations of the original title-page have given rise to the idea that each alteration was attached to a new edition of the entire work, but both in 1648 and 1657 there was no alteration of the work as printed in 1643 and 1644, with the exception of the title-page of the first or Douglas portion of the book. On both occasions the second or Angus portion, and the original title-page of 1643, remained as then printed, and the original mistake of ending the first or Douglas part of the book with page 211, and commencing the second or Angus part not with page 212 as it should have been, in strict order, but with page 205, was still continued in 1648 and 1657.

EDITIONS OF GODSCROFT'S HISTORY.

It was not till the year 1743, exactly a century from the date of printing the second or Angus portion of Godscroft's History, that a second edition was published. It was in two volumes 8vo. It bears to be "Printed by T. W. and T. Ruddiman, for L. Hunter, and sold by him and other Booksellers in Town." [Edinburgh.] It is dedicated by the publisher to his Grace Archibald, Duke and Marquis of Douglas, as chief of the illustrious

house of Douglas. Prefixed to that work there is a note or preface by "The Publisher to the Reader." Although it is in the name of the publisher, it was probably written by the printer, the learned Thomas Ruddiman. It is interesting to have his opinion of Godscroft and his work in the following terms:—

"That he was a person of a genius equal to his undertaking; that he had great opportunities, being permitted to see the charters and archives of the family; and that, as he was a man of learning and sagacity, he has made the best use of these advantages. He has also been well versed in the history of Scotland, on which he makes a great many just and judicious remarks. And really, if the author have any fault, it is the number and prolixity of his reflexions; but that ought not so much to be imputed to him as to the humour of the times in which he wrote; and even these are made in such a manly way, so full of strong substantial sense, and so mixed with ancient Scottish phrases and proverbs, that as they are generally solid and instructive, so they will be to many no less entertaining."

The favourable opinion of Godscroft thus expressed, was also extended by the learned grammarian to his work, as follows:—

"It is, indeed, a loss to the publick that the author did not live to revise his work from the press; and the editor of the first edition, who has been a man nowise qualified for that business, has committed innumerable mistakes, chiefly by his endeavouring, in many places, to turn the Scottish phrases of our author, which he very ill understood, into the English of the times wherein he lived. He has likewise been very negligent in the spelling of the proper names of persons and places, many of which, if it had not been for the author's original manuscript, frequently, I confess, not very legible, and the assistance of other historians, I should never have been able to have rectified. I have also taken upon me to alter some old obsolete expressions; but in this I have acted very sparingly."

The edition of 1743 was reprinted in 1748, also in two volumes 8vo. In the edition of 1748, instead of the woodcut ornament which is near the foot of the title-page of the edition of 1743, there is substituted the words "The Fourth Edition." There is also in one of the volumes of the edition of 1748 a list of subscribers, which includes the name of the Duke of Douglas for six copies, and also of Lady Jane Douglas.

Another edition of Godscroft's History was projected in the year 1820

under the title of "The History of the House and Race of Douglas and Angus. London, printed for Mortimer and M'Leod, Aberdeen, 1820," 8vo. It contains the preface of L. Hunter, the publisher, or Thomas Ruddiman, the printer, to the edition of 1743; also the original preface of Godscroft, and his history of the family down to and including James the ninth and last Earl of Douglas, but not the Angus branch.

Among the Harleian manuscripts in the British Museum there is a manuscript history or observations on Godscroft's History by Mr. Thomas Crawford. This manuscript consists of two distinct works: Part I., ff. 2-21^b, is paged 1-36; Part II., ff. 22-91^b, is folioed 1-70. These parts differ but little from one another in arrangement or narrative of events. Both commence with the origin of the Douglases in 767. Part I. ends, apparently unfinished, in 1314, while Part II. is continued to the death of Archibald, third Earl, in 1400. The account of each personage is given in a separate section. Both parts are paraphrases, but with numerous variations, and possible corrections of the first one hundred and fourteen pages of Godscroft's printed History. The variations consist, as a whole, more in transpositions of sentences, and in phraseology, than in contents. The handwriting of both parts is very similar, perhaps the same. The name of "Mr. Th. Crawford, 1645," is written on the margin of the first folio of Part II., and occurs again at the end in a different hand. The date of the manuscript should be circa 1633-1645.[1]

In the year 1754 there was published at London, in Spanish and English, "A Synopsis of the Genealogy of the most ancient and most noble family of the Brigantes or Douglas, by Peter Pineda, who presents this work to the above-mentioned family, London, 1754," one volume 8vo. Peter Pineda had been inspired in his old age for his work on the Douglases by Charles, third Duke of Queensberry, who, he says, was pleased to heap favours upon him. The fabulous origin of the family of Douglas as related by Godscroft sounds

[1] Information by Mr. Ellis of the British Museum.

almost like truth and soberness when compared with the fables of Pineda. He traces the Douglases back to Gathelus, the founder of the Scottish monarchy, and Sayas, the founder of the Brigantes, Douglas or Angus, which he says, is one and the same, and that their descent can be deduced for above three thousand years past.[1] In another part of his work Pineda states that one of the four governors of Scotland in the year 605 was the famous Colenus, grandfather to Sholto Douglas.[2] The author goes far beyond Godscroft in antiquity. But his work is a very poor performance, and he pleads an excuse on account of his age.[3]

After the final judgment of the Douglas Cause in the year 1769, James Herd, a publisher in Edinburgh, projected "The History and Martial Atchievements of the Houses of Douglas, Angus, and Queensberry." It is dedicated to her Grace, Margaret, Duchess of Douglas, on 6th April 1796, which appears to be a mistake for 1769. The preface to this work consists chiefly of the preface by Godscroft to his History, followed by extracts from Pineda about Gathelus and Sayas and their connection with Moses. Then follows a partial reprint of Godscroft's history down to and including a portion of the memoir of the Good Sir James Douglas. A copy of Herd's history belonged to the late Dr. David Laing, who inserted a note stating that the book "was never completed. It breaks off with page 75."

In addition to the writers above noticed who have professed to write special histories of the Douglas family, their early history has been incidentally noticed by Mr. George Chalmers, Mr. John Riddell, Mr. Cosmo Innes, Mr. Joseph Robertson, and Mr. G. V. Irving.[4]

[1] Preface, page xvii.

[2] Page lxiii.

[3] Pineda was also the author of a Spanish and English Grammar, 1726, Spanish and English Dictionary, 1740, Learning Spanish 1751.

[4] Caledonia, vol. i. pp. 579-584; Remarks upon Scotch Peerage Law, pp. 174-178; Stewartiana, pp. 82-5; Registrum Episcopatus Moraviensis, pp. xliv-xlvii; Liber S. Marie de Calchou, vol. i. pp. xxvii, xxviii; Origines Parochiales Scotiæ, vol. i. pp. 152-160; Upper Ward of Lanarkshire, vol. ii. pp. 56-139.

There is preserved at Bothwell Castle a large tabular genealogy of the Douglas family. It is an elaborate work in three sections. The centre portion, which is as large as the other two combined, contains the pedigrees of the main lines of Douglas and Angus, their branches of Morton, Queensberry, Cavers, Mains and others, and several of the families, royal and noble, with whom they intermarried. The portion on the right side gives the pedigree of the Scoti of Piacenza in Italy, who claim descent from a prehistoric member of the Douglas family. The portion on the left side displays the descent of Cecily Drury, the wife of Dr. George Douglas, from a Norman family of high antiquity. George Douglas, Doctor of Divinity, who married Cecily Drury, was the second son of Sir Robert Douglas of Glenbervie and grandson of William, ninth Earl of Angus. It was at his instance and cost that this genealogy was prepared about the year 1636. It is written on parchment, the whole presenting a surface of seven feet four inches in length by six feet in height. Armorial shields and coats of arms of all the prominent members of the families traced are profusely emblazoned at their proper places in the pedigree. The genealogies are presented in the form of trees, and at the foot of the principal one of Douglas, stands the semi-nude figure of a savage, the usual Douglas supporter, and which is offered as a representation of the original Sholto Douglas. There are also equestrian figures of the Good Sir James, attired as a Turk with uplifted scimitar, and of King Robert the Bruce. Of warriors on foot, figures are given of the Knight of Liddesdale in Highland costume, and of the hero of Otterburn in full armour. At the top of the tree are given blazons of the later Angus crest, the Salamander, one of which is embosomed in a Marquis's coronet, in recognition of the creation of William as Marquis of Douglas, in 1633. This genealogy is, doubtless, "the tree of the famely of Douglas" borrowed by William Douglas, Duke of Hamilton, in 1671 from the agent of the Douglas family.[1]

[1] Vol. iv. of this work, p. 269.

In reference to this pedigree there are some notes or memoranda on the manuscript copy of Godscroft's history at Hamilton. They are as follows: "To consider if it be fitt to put the abreviated pedegree in the booke: and if it be necessary to be put, to place it betwixt the twoe volmes of Douglas and Angus. Item, to send for Mr. Awein, whoe was the contriver of tree, and gar abbreviate or enlarge it according to your owne and his opinion; and if it be thought unnecessary to be contained in the booke, it must then be deleate in the frontespice of the booke, because you may see mention is made thereof there, and soe refferr all to the great tree, which was made by Mr. Awein—a remarkable peece which must be soe in them words expressed in the booke: and cawse Mr. Awyne doe anything that you think fitting or needfull concerning the tree." Then follows, apparently in the handwriting of William, the eleventh Earl of Angus, the statement, "Mr. Awein is deid." The same hand also interlined the word "abreviated" before the word "pedegree" in the second line of this quotation. From these memoranda it is apparent that the large tabular genealogy of the Douglas family at Bothwell Castle was the work of Mr. Awein.

About the time that Godscroft's history was written, and before it was published, a rivalry arose amongst several historical families in Scotland to obtain precedence by tracing themselves back to remote ancestors. Part of the process by which they hoped to accomplish this purpose was by serving themselves heirs to these ancestors. Thus in 1630, William, Earl of Menteith, who was then President of the Council in Scotland, was served heir to Prince David, Earl of Strathern, his grandfather's grandfather's great-grandfather's grandfather (*abavi atavi*), to Malise, Earl of Strathern, his great-grandfather's grandfather's grandfather (*proavi abavi*), and to Patrick Graham, Earl of Strathern, his great-grandfather's great-grandfather's grandfather (*proavi atavi*). The first of these services, to David, Earl of Strathern, ultimately led to the downfall of the Earl of Menteith. He

boasted that through his descent from that prince he had the reddest blood in Scotland, and this unguarded expression, having been reported to the king with additions such as that the Earl said he should be in the place of Charles Stewart, so alarmed the king that it led to the disgrace of Menteith.

William, Earl of Angus, afterwards first Marquis of Douglas, who took so much interest in Godscroft's history, obtained nine services in the same year, 1630, to William, Earl of Angus, his grandfather, to George, first Earl of Angus, his great-grandfather's grandfather's grandfather (*proavi abavi*), to Archibald, eighth Earl of Angus, his grandfather's grandfather's brother's great-grandson (*abavi patris nepotis*), to George, fourth Earl of Angus, his grandfather's grandfather's grandfather (*tritavi*), to Archibald, sixth Earl of Angus, his great-grandfather's grandfather (*atavi*), to George, Master of Angus, his brother's grandfather's grandfather (*fratris abavi*), to Lady Margaret Stewart, Countess of Angus, his grandfather's grandfather's grandfather's grandmother (*abaviæ abavi*), to Sir William Douglas of Braidwood, his grandfather's grandfather (*abavi*), and to Janet Douglas, lawful daughter of Archibald, fifth Earl of Angus, immediate younger sister of William Douglas of Braidwood, sister of his grandfather's grandfather (*sororis abavi*).

The Earl of Mar, Earl of Argyll, Earl of Sutherland, and other noblemen and gentlemen also obtained similar services to remote ancestors at the same time. Long litigations ensued on the question of precedency between the rival Houses of Roxburgh and Lothian, Glencairn and Eglinton, Sutherland and Crawford, and others. These were contested with nearly as much keenness as the famous controversy between the families of Scrope and Grosvenor in the English Court of Chivalry.

THE DOUGLAS CAUSE.

The celebrated lawsuit popularly known as the "Douglas Cause," requires a short notice. The high position of the respective litigants, the delicate nature of the legal questions involved, the romantic circumstances attending the birth of the twin sons in a foreign country, as well as the large patrimonial interest involved, all combined to render this one of the most celebrated of legal competitions. It attracted the attention of the people of this country more than any private cause ever did. Indeed it drew attention and excited a keen interest throughout Europe. The evidence of witnesses was appointed by the Court of Session to be taken at Paris, Damartin, Rheims, Rhetelle, Sedan, Liége, Aix-la-Chapelle, Brussels, Utrecht, Rotterdam, St. Omer, Dunkirk, Montreuil, and Abbeville, besides places in England and Scotland.

The legal steps which, immediately on the death of the Duke of Douglas in 1761, were taken for securing the estates to his nephew, Archibald Stewart or Douglas, the only surviving son of Lady Jane Douglas, will be found in the memoir of Lord Douglas. A year later his estates of Douglas and Angus were assailed at the instance of the Duke of Hamilton, Lord Douglas Hamilton, his brother, and Dunbar, Earl of Selkirk, as heirs-male collateral of the Duke of Douglas. The main ground on which they sought the reduction of the feudal title of Mr. Douglas was, that he was not the son of Lady Jane Douglas. The litigation in the Court of Session continued with great keenness on both sides from 1761 till 1767.

At one stage of the proceedings Sir John Steuart, father of Archibald Douglas, was called into the Court of Session, and examined by the Lords for three days, the 14th, 15th, and 16th December 1762. His declaration was taken with closed doors. Only the counsel and agents for the parties, with clerks and other officers of Court were present, and even they were expressly

prohibited to take any notes of what passed. Although he was then suffering from sickness, and had left his bed to attend the Court, Sir John is said to have behaved throughout the whole of his examination with extraordinary spirit and vivacity.

The printed pleadings and proofs extended to at least seven large quarto volumes. The printed evidence of the witnesses adduced for both parties in this country and in France alone exceeds two thousand quarto pages closely printed. The memorials, answers, replies, petitions, etc., fill several large volumes. Mr. Burnet, afterwards Lord Monboddo, who was one of the counsel for Mr. Douglas, complained, in one of his printed pleadings, that he was literally "pelted with petitions" on behalf of the Duke of Hamilton. The following account shows the counsel employed on both sides, and the days which each counsel occupied in the debate:—

On the 1st of July, a few days after the cases were given in, the hearing in presence, or the pleadings, began. First, four lawyers spoke for the pursuers, viz., Mr. Andrew Crosbie, on Tuesday, July 1; Sir Adam Fergusson, on Wednesday and part of Thursday; Mr. William Nairn began on Thursday and ended on Friday; and Mr. John Dalrymple began on Friday and ended on Saturday. Then four lawyers spoke for the defender, viz., Mr. Alexander Murray, on Tuesday, July 8; Mr. Henry Dundas, solicitor, on Wednesday and Thursday; Mr. Robert Sinclair, on Friday; and Mr. David Rae, on Tuesday, July 15. Two lawyers replied for the pursuers, viz., Sir John Steuart of Allanbank, on Wednesday, July 16, and Mr. Andrew Crosbie, on Thursday. Two lawyers duplied for the defender, viz., Mr. Robert Macqueen, on Friday, July 18, and Mr. James Burnet, on Tuesday, July 22. Mr. Alexander Lockhart, Dean of Faculty, the last for the pursuers, spoke on Wednesday, Thursday, Friday, and Tuesday, and ended on Wednesday, July 30. Mr. James Montgomery, the Lord Advocate, the last for the defender, spoke on Thursday, and on Friday, August 1. Which ended these pleadings, the

longest, 'tis believed, that ever were before a court of justice, being, in all, twenty-one days, and the speeches were often two, sometimes three hours long. The Court appointed the memorials on these pleadings to be given in on the 27th of September; permitting either party to give in an additional memorial on facts only, on the 15th of October: and the cause to be advised on the 25th of November.[1]

Other contemporary accounts add Mr. Thomas Miller, afterwards Lord Justice-Clerk, Sir David Dalrymple, afterwards Lord Hailes, Mr. William Johnston and Mr. Walter Stewart as counsel for the Duke of Hamilton; and Mr. Francis Garden, Mr. Islay Campbell, Mr. John Pringle, and Mr. Charles Broun as counsel for Mr. Douglas, in addition to those above named.[2]

After the formal pleadings had been concluded, some information about two of the important witnesses was specially brought under the notice of the Court by Mr. Douglas. These witnesses were two of the servant-maids of Lady Jane Douglas. The Duke of Hamilton's counsel had stated that one of them, Effie Caw, was a young girl of no more than eighteen years of age, and easily imposed upon as to Lady Jane's condition. But the register of her birth and baptism was discovered, which showed that she was upwards of twenty-one years old. Isabel Walker, the other servant, was twenty-nine years of age.* She was examined a second time on 23d June 1767, in presence of the lords. The examination was chiefly in reference to the condition of Lady Jane, to which the witness had previously deponed. She was again recalled

[1] The Scots Magazine, vol. xxviii. 1766, p. 415.

[2] The cost of such an array of counsel was very great. The accounts of the law-agents of Mr. Douglas have been preserved. At one stage of the case his own costs were upwards of £23,000 sterling. It was fortunate for him that he was in possession of the estates to meet such heavy annual expenditure on a single law plea. The costs of the Duke of Hamilton were probably similar to those of Mr. Douglas.

before the lords on the following day. On these two occasions her depositions appeared to be very distinct.

The judges were equally divided in their opinions, and by the casting-vote of Lord President Dundas, judgment was given against Mr. Douglas. During the litigation public opinion was much divided on the questions at issue. In the Douglas district the people were unanimously in favour of Mr. Douglas, while in the country of the Hamiltons opinions were naturally in their favour. The same feeling prevailed to some extent in the metropolis. Each party had their partisans there. It was the prevailing topic of conversation, and occasioned disputes and wranglings in almost every company. High and low, young and old, male and female, interested themselves in this cause with a warmth equally unprecedented and unaccountable. The pleasures of society were for a long time embittered by altercation, and whole evenings, dedicated to cheerfulness, were spent in ridiculous contest.[1] Lord Campbell says that it had almost led to a civil war between the supporters of the opposite sides, and in England had excited more interest than any question of mere private right had done before.[2]

The formal decreet of the Court of Session was dated 15th July 1767. It extends in manuscript to ten folio volumes containing in all nine thousand six hundred and seventy-six pages.[3] The adverse judgment was appealed to the House of Lords, where it was fought with as much, if not greater keenness than in the Court of Session. The pleadings of counsel in the House of Lords occupied two months, January and February 1769. During the pleadings the anxiety of the Duchess of Douglas was intense. Mr. Douglas, on the other hand, was quite composed.

In the memoir of Mr. Douglas, in the second volume of this work, allusion

[1] The Scots Magazine, Nov. 1767, vol. xxix. p. 569.

[2] Lives of the Chancellors, third edition, vol. v. p. 286.

[3] Original Decreet in H.M. General Register House, Edinburgh.

will be found to the duel which was fought between Mr. Edward Thurlow, as counsel for Mr. Douglas, and Mr. Andrew Stuart, agent for the Duke of Hamilton. This affair of honour arose from remarks made by Mr. Thurlow in opening the case for Mr. Douglas on the conduct of Mr. Andrew Stuart, who felt aggrieved, and sent a challenge to fight next morning. Thurlow promised the desired meeting, but not until he had completed his arguments in favour of Mr. Douglas. After the hearing was concluded, the meeting took place on the morning of Sunday the 14th of January 1769, in Hyde Park. Having discharged pistols at ten yards' distance without effect, they drew their swords, but the seconds interposed and put an end to the affair. Mr. Thurlow is said to have advanced and stood up to his antagonist "like an elephant." On his way to the field of battle he stopped to eat an enormous breakfast at a tavern near Hyde Park Corner.[1]

The Lord Chancellor and Lord Mansfield both spoke in favour of Mr. Douglas. The speech of the Lord Chancellor referred to the great importance of the case in the following terms:—"It is, perhaps, the most solemn and important ever heard at this bar. For my own share, I am unconnected with the parties; and having with all possible attention considered the matter, both in public and private, I shall give my opinion with that strictness of impartiality to which your Lordships have so just and equitable a claim. The question before us is, 'Is the appellant the son of the late Lady Jane Douglas or not?' I am of the mind that he is; and own that a more ample and positive proof of a child's being the son of a mother never appeared in a court of justice, or before any assize whatever."[2]

After stating at great length the evidence in support of his opinion, in which he referred to the objections to the appellant being refuted, and as

[1] Lord Campbell's Lives of the Chancellors, vol. v. pp. 500, 501; Scots Magazine for 1769, vol. xxxi. p. 107; Edinburgh Evening Courant, 23d January 1769.

[2] Reports of Appeal Cases by T. S. Paton, vol. ii. p. 167.

only tending to render the virtues of Lady Jane more brilliant and illustrious, the Lord Chancellor concluded his speech in these words:—"The question before us is short: Is the appellant the son of Lady Jane Douglas or not? If there be any Lords within these walls who do not believe in a future state, these may go to death with the declaration that they believe he is not. For my part I am for sustaining the positive proof which I find weakened by nothing brought against it; and in this mind I lay my hand upon my breast and declare that in my soul and conscience I believe the appellant to be her son."[1] While the Lord Chancellor spoke there was such silence that a handkerchief would have been heard to fall notwithstanding the crowds in attendance. Lord Campbell says that Lord Camden attracted chief notice while Chancellor by his judgment in the great Douglas cause.[2]

Lord Mansfield said: "This is the greatest and most important cause that occurs to me: it is no less than an attack upon the virtue and honour of a lady of the first quality, in order to dispossess a young man of an eminent fortune, reduce him to beggary, strip him of his birthright, declare him an alien and a foundling. I have slept and waked upon the subject, considered it upon my pillow to the losing of my natural rest, and with all the judgment I was capable, have considered the various articles that make up this long and voluminous cause." Lord Mansfield explained that as the Lord Chan-

[1] Reports of Appeal Cases by T. S. Paton, vol. ii. p. 167.

[2] The Lord Chancellor referred to was Charles Pratt, an eminent lawyer, who was created Lord Camden in 1765, and appointed Lord Chancellor in the following year. Horace Walpole says that, with decency and dignity, he concealed his opinion on the Douglas Cause to the very day of the decision. [Memoirs of George III. vol. iii. p. 303.] His immediate predecessor in the chancellorship was the Earl of Northington. He was one of the peers whom the Duchess of Hamilton solicited very earnestly to espouse the cause of her son. His Lordship excused himself that he could not do so, as he had not heard the pleadings on either side. The Duchess, however, still continued to press his Lordship, who gave her a not very delicate final refusal, which is recorded in contemporary memoirs. [Memoires d'un Voyageur qui se repose, vol. iii. p. 187.]

cellor had anticipated much of what he intended to speak upon the subject, he only touched upon the situation and character of the deceased Lady Jane. His Lordship spoke from personal knowledge of her Ladyship, and gave several interesting particulars respecting her. He said he remembered Lady Jane "in the year 1750 to have been in the most deplorable circumstances. She came to me (I being Solicitor-General) in a very destitute condition, and yet her modesty would not suffer her to complain. The noblewoman was every way visible, even under all the pressure of want and poverty. Her visage and appearance were more powerful advocates than her voice, and yet I was afraid to offer her relief for fear of being construed to proffer her an indignity. In this manner she came twice to my house before I knew her real necessities, to relieve which now was my aim. I spoke to Mr. Pelham in her favour; told him of her situation with regard to her brother, the Duke of Douglas, and of her present straits and difficulties. Mr. Pelham, without delay, laid the matter before the king. . . . His Majesty immediately granted her £300 per annum out of the privy purse; and Mr. Pelham was so generous as to order £150 of the money to be instantly paid. I can assure your Lordships that I never did trouble his Majesty for any other. Lady Jane Douglas was the first and last who ever had a pension by my means. At that time I looked upon her to be a lady of the strictest honour and integrity, and to have the deepest sense of the grandeur of the family from whence she was sprung; a family conspicuously great in Scotland for a thousand years past; a family whose numerous branches have spread over Europe. They have frequently intermarried with the blood royal, and she herself was descended from Henry VII."[1]

After these speeches of the two greatest of the law Lords, the House of

[1] Reports of Appeal Cases, by T. S. Paton, vol. ii. pp. 172-174. Horace Walpole says that Lord Mansfield spoke till he fainted with the heat and fatigue. [Memoirs of George III., vol. iii. p. 304.]

Lords, at ten o'clock at night, reversed the judgment of the Court of Session, and affirmed the appeal in favour of Mr. Douglas without a division.[1] Thus practically ended the great Douglas cause.[2]

In honour of this great victory the Duchess of Queensberry, one of the two victorious Duchesses, gave a ball on Saturday, the 11th March 1769. It was attended by several of the royal family, including the Duke of Cumberland and the Queen's two brothers, about 140 people, and six or seven and twenty couple of dancers. The ball was very fine. The Lord Chancellor invited himself, and seemed in very good spirits. His lady and daughter were invited. For that civility his lordship wrote his thanks to the Duchess, adding that, if she would permit him, he would come and return his thanks in person. To which the Duchess answered in these words:—"Katherine Queensberry says, Content upon her honour"—this being the form of assent by the Lords in the House of Peers.[3]

The Duchess of Hamilton continually brought up the Douglas Cause to the King and Queen whenever she had an opportunity. But their Majesties never gave her an answer, and judiciously evaded the subject. The Duchess

[1] Lord Campbell, in his "Lives of the Chancellors," expresses his own opinion on the merits of the Douglas Cause in the following terms:—"I once studied the case very attentively, and I must own that I came to the conclusion that the House of Lords did well in reversing." [Vol. v. p. 288, edition 1849.] Lord Campbell, in his "Life of Lord Thurlow," says that it was Thurlow who prepared the appeal case for Mr. Douglas, which mainly led to the success of the appeal. Lord Campbell earnestly recommends the appeal case to the law student as a model of lucid arrangement and forcible reasoning. [*Ib.* p. 496.]

[2] So great was the excitement in London about the judgment in the Douglas Cause that Mr. John Home, the author of "Douglas," attributed the want of success of his tragedy of "The Fatal Discovery," and the thinness of audiences to hear it at the play-houses, to the absorbing interest of the Douglas Cause. How different was the previously marked success of the tragedy of "Douglas" by the same author. Crowded and enthusiastic audiences night after night were gratified with it. Amidst the applause one more than ordinarily enthusiastic Scotch admirer was heard triumphantly exclaiming, "Whaur 's your Wullie Shakespeare noo?"

[3] Journal of Lady Mary Coke.

of Douglas, on the other hand, did not go out of her house, nor solicit any of the peers for their votes. After the judgment was pronounced in favour of Mr. Douglas, the Princess Amelia expressed her satisfaction, and her belief that the King and Queen were also pleased.[1]

Amongst the partisans of the Duke of Hamilton was David Hume, the historian, who displayed great keenness, through his connection with Mr. Andrew Stuart. Contrary to his custom, Mr. Hume was much out of humour when the Cause was decided by the Lords, and made several peevish remarks, which hurt him.[2]

After the final judgment, many pamphlets, including "Durando, a Spanish Tale," and letters, continued to be published by partisans on either side. One of the ablest of these productions consisted of a series of Letters addressed to Lord Mansfield by Mr. Andrew Stuart against the opinion of his lordship. But, while ably and even calmly written upon certain points, the feelings of the disappointed litigant appear throughout.[3]

In an unpublished manuscript Sketch of the Life of Lord Monboddo, by his daughter, Mrs. Kirkpatrick Williamson, several incidents of his connection with the Douglas Cause are interesting, and worth recording. Mr. Burnet was early retained as one of the counsel for Mr. Douglas. His agent waited on him with a retaining fee, and before the agent had retired, Mr. Andrew Stuart, agent for the Duke of Hamilton, appeared, intending to retain Mr. Burnet for the Duke, but had to retire disappointed.

Mr. Burnet became greatly absorbed in the Douglas Cause. Three duchesses, as interested parties, were also very active,—the Duchesses of Douglas and Queensberry on the one side, and the Duchess of Hamilton on

[1] Journal of Lady Mary Coke.

[2] *Ibid.*

[3] Letters to the Right Honourable Lord Mansfield from Andrew Stuart, Esq. London, 1773. 8vo, p. 47.

the other. The Duchess of Douglas went to Paris to facilitate inquiries there, and hired a hotel, where she kept open house for the lawyers. In London she did the same, and in Edinburgh, Queensberry House was her residence. On account of his great abilities, his intimate acquaintance with the French language, and his great zeal in the Cause, Mr. Burnet was a favourite with the Duchess. She presented his young son with a splendid cap of blue tissue, embroidered with silver and plume of white feathers. To Mrs. Burnet her Grace presented a magnificent Court dress of pink and silver tissue, with trimming, etc., to suit, rubies, earrings, paste necklace, etc., to which her husband added a suit of the finest point lace, which cost him one hundred guineas.

Mr. Burnet's residence in Edinburgh was in St. John's Street, Canongate. Being very near Queensberry House, the meetings and consultations were frequent. Dining there one day with her Grace, the subject of the grand law-plea became the all-absorbing topic, and Mr. Burnet was more than usually absent. In the drawing-room, the Duchess said to Mrs. Burnet—"Go, ma'am, in my chair, dress in the French gown, and your laces and fine things; powder your bonnie brown hair," which she was never allowed by her husband to do, "and we shall pass you off for Lady Sarah Lennox." Lady Sarah was then in the meridian of her beauty. Equipped accordingly by the time the gentlemen had finished their wine and their deliberations, so metamorphosed and so announced, it was no wonder that the absent-minded lawyer failed to recognise his own wife, till her laugh and her remark, "O! B., don't you know me?" disclosed her disguise.

In March 1765 Mr. Burnet and the other Douglas lawyers repaired to Paris. Among them was Mr. Francis Garden, afterwards Lord Gardenstone.[1] Of all his coadjutors Mr. Burnet was the most zealous in the cause of Mr. Douglas. He was a firm believer in the truth of it after having carefully

[1] In the famous "Douglas Cause" Mr. Garden "made a distinguished figure before the Parliament of Paris, where he was opposed by Mr. Wedderburn (afterwards Lord

traced its history and all the secrets. By the time the case came to be decided Mr. Burnet had been raised to the Bench under the title of Lord Monboddo. He gave his judgment unhesitatingly in favour of Mr. Douglas.[1]

According to tradition, the Duchess was the last of the nobility who, in paying visits or travelling about the country, were escorted by halberdiers. She was also accustomed when she visited any family to leave her dress behind her as a present. By her testament she left certain lands to Captain Archibald Douglas, eldest son of her eldest brother, James Douglas, and to other heirs of entail, the lands to receive the name of Douglas-Support or Mains-Support of Douglas. The Duchess also directed that the heirs succeeding to these lands should assume the name of Douglas, and carry the arms of Douglas and Mains, with the addition of a woman trampling a snake under her feet and supporting a child in her arms, crowned with laurels.[2] This device the Duchess applied to herself, and her triumphant support of her nephew in the Douglas Cause.

In the Memoir of Lord Monboddo it is stated that Lady Jane Douglas resided with her mother, the Marchioness of Douglas, at Merchiston Castle, near Edinburgh. Lady Jane sat there for her portrait to James Ferguson, the famous astronomer, who was then an itinerant painter. He was quite enchanted with her Ladyship. There are three portraits in oil of Lady Jane Douglas—two of these are at Bothwell Castle, and one at Douglas Castle. The names of the painters are unknown, and one of the three may have been the work of Ferguson, mentioned in the Monboddo memoir, although he is said to have painted only miniatures.

A characteristic letter from Mr. Carlyle contains incidental references to

Chancellor), and astonished all present by his legal knowledge and fluency in the French language." [Senators of the College of Justice, p. 528.] Lord Gardenstone gave his judgment in favour of Mr. Douglas.

[1] MS. Sketch at Glenbervie.

[2] Disposition in Stonebyres Charter-chest.

Lady Jane Douglas and the Douglas Cause. It was written, as it bears, in acknowledgment of a presentation copy of the Red Book of Grandtully, in which a memoir of Lady Jane Douglas appeared. In his early years Mr. Carlyle resided for some time in the neighbourhood of Grandtully, and the late Sir William Drummond Steuart thought that a copy of the Book would be acceptable to him. Mr. Carlyle wrote as follows:—

5 Cheyne Row, Chelsea, 8th July 1869.

DEAR SIR,—I have this morning received the two beautiful quartos, which your obliging letter of yesterday announced to me. They are among the beautifullest volumes I have seen; beautifully printed, illustrated, and indexed,—in short, victoriously edited, and made clear to every reader. I promise myself a great deal of entertainment and historical instruction in examining those curious old documents and correspondences, here brought to light in such a legible form. I beg you will convey to Sir William Drummond Steuart, Baronet, my lively sense of the great honour and kindness he has been pleased to do me, of which I shall not fail to entertain a grateful and pleasant memory henceforth.

For indeed I had already a kind of shadowy relation to Murthly and its owners: in my young days, near half a century ago, I lived once a summer and winter in that neighbourhood, and often enough heard of Murthly and its then lord in the house where I lived (Kinnaird, near Logierait); and within the last ten years, I have, through an old thin pamphlet of "Letters by Lady Jane Douglas Stewart,"—which you also seem to know of,—made the acquaintance of the husband of that famous lady, whose letters dating often from Chelsea, where I now am, touched me deeply; and in fact rendered it privately impossible for me to believe, or surmise, that such a Lady Jane was capable of any baseness, or deliberate mendacity whatever. Upon which, indeed, I fairly ended my study of "The Douglas Cause."

With many thanks to all parties concerned in this pleasant gift to me, I remain, dear Sir, yours sincerely,

T. CARLYLE.

From William of Douglas, who held the Vale of Douglas between the years 1174 and 1199, to his lineal heir and present representative, Charles Alexander Douglas-Home, twelfth Earl of Home, and Lord Douglas of Douglas, there are twenty-two generations. These embrace a period of seven

centuries. Few families in this country can point to the continued inheritance of the territory which gave them a family name so early as the reign of King William the Lion in the twelfth century. But amidst all the vicissitudes and changes, often tragic and romantic, which the family of Douglas have experienced, their original dale of Douglas has continued to be inherited by their lineal representatives to the present day.

The Borders of to-day, now as quiet and peaceful as any portion of Scotland or England, present a marked contrast to the once distracted state of these districts, as it is disclosed by these memorials of former Douglas wardens. The "old enemies" on either side are changed to fast friends. Border feuds frequently involved both countries in war, while, on the Scottish side, various clans were often engaged in deadly feuds among themselves. The great houses of Scott and Ker had many a fierce encounter. But this state of affairs has been long happily exchanged for the closest relationships and the warmest friendships.

The Maxwells and the Johnstones, two great rival Border houses on the west, with their deadly feuds, were formerly a source of great destruction to each other, and of increasing trouble to the authorities, who were responsible for the peace of the country. In the course of their strife, each family lost two chieftains; one dying of a broken heart, another in the field of battle, a third by assassination, and a fourth by the sword of the executioner. In modern times the Maxwells and the Johnstones have been and are fast friends, so much so, that a Johnstone has assumed the surname of Maxwell, as the inheritor of a Maxwell property.

One more instance of these amicable relations is afforded by the present work. The Homes and the Douglases had many an encounter in the old Border times. But now the head of the House of Home combines the two surnames of Douglas and Home with the male representation of Home, and the female representation of Douglas.

The difficulties which the learned Laird of Godscroft encountered with his Douglas history in his own lifetime,—his anxieties in reference to it even on his deathbed,—and the fate which befel it after his death, indicate to some extent the troubles connected with such an undertaking.

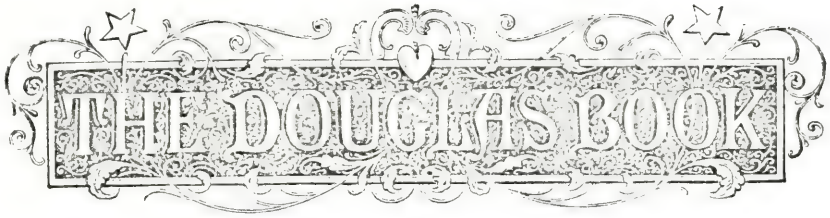
These four volumes, now completed after many years' labour, can only show in part the extensive investigations which have been made, not merely in the Douglas and Angus muniments, but also in public and private repositories. Many interesting Douglas charters obtained from these sources are now printed for the first time. They form a valuable collection, and a partial compensation for the loss of the ancient muniments of the family in the tragedies which were so frequently enacted in their eventful history.

To the owners of Douglas charters not in the Douglas Charter-chest, who generously intrusted them to him in connection with the present work, the author's acknowledgments have been often made. The statements throughout these volumes, of the sources from which these muniments have been derived, will show how largely he is indebted. To the many friends who have also in other forms afforded valuable aid with these volumes his acknowledgments have also been made, and are again gratefully recorded.

Sir Walter Scott, who knew and loved the histories of families so well, in "Castle Dangerous," makes Sir Aymer de Valence, the English knight, interrupt the sexton of St. Bride's of Douglas, in his attempted recitation of the pedigree of the house of Douglas. A less matter, the knight said, would hold a well-breath'd minstrel in subject for recitation for a calendar month, Sundays and holidays included. The true history of the Douglases was then only a century old. Since the time of Sir Aymer de Valence, their history has grown for six centuries more, and these may afford matter for other well-breath'd minstrels, if the race is not now extinct.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
31*st December* 1885.



THE ORIGIN OF THE FAMILY OF DOUGLAS.

AT the outset of a history of the great race of Douglas, the first question which arises is, What was the origin of the family? This question has long formed the subject of discussion among historians. Authors eminent for learning, ingenuity, and research have formed widely different opinions. But after all the discoveries which have been made, especially during the present century, it must be confessed, the point is left in the same state of doubt as it was upwards of four centuries ago, in the days of the metrical chronicler, Andrew Wyntown. In these preliminary remarks, all that can be proposed is, to gather together the various statements regarding the origin of the Douglases, and present them in a form appropriate to a history of the family. A connected statement and comparison of the results of recent researches, such as is here attempted, has not hitherto been formally made. Yet, even when these are brought together, and their details presented and examined from new points of view, there is but little progress made towards the elucidation of the mystery, beyond the weakening of some hypotheses and the strengthening of others.

The historian who first treats of the origin of the Douglas family is Andrew of Wyntown, Prior of St. Serf's Isle in Lochleven, who wrote in the early part of the fifteenth century, and whose metrical chronicle is well known.[1] His allusion to the Douglases, to whom he assigns a kindred origin

[1] His "Cronykil" was completed between 1420 and 1424.—Macpherson's edition, preface, p. xxii.

with the powerful family of Moravia or Moray, is very brief, and is here given in his own vernacular:—

Of Murrawe and the Douglas,
How that thare begynnyng was,
Syn syndry men spekis syndryly,
I can put that in ná story.
Bot in thare armeys báth thai bere
The sternys set in lyk manere.
Til mony men it is yhit sene
Apperand lyk, that thai had bene
Of kyn be descens lyneale,
Or be branchys collaterale.[1]

Sir Richard Maitland of Lethington, whose work has been explained in the Introduction, does not refer to the question of the origin. Godscroft, however, as is well known, assigns to the House of Douglas a very remote origin, dating from A.D. 767, when the first who received the surname of Douglas is said to have taken part in the wars of King Solvathius. So satisfied was this historian with his Douglas pedigree, that he uttered a protest against authors who carried the ancestry of his heroes no further back than William "Le Hardi," the father of the Good Sir James, among whom is included Sir Richard Maitland, whose manuscript was known to Godscroft. In the light of recent researches it is proposed here to discuss the narratives of Wyntown and Hume of Godscroft, so far as these refer to the origin of the Douglas family, as well as other suggested theories of that origin.

Andrew of Wyntown, as is evident from the quotation given, distinctly states that even in his day opinions were divided as to the ancestral origin of the house of Douglas. To many it seemed that the families of Moray and Douglas were akin by direct or collateral descent, because their shields of arms bore the device of three stars "set in lyk maner." Macpherson, the

[1] Wyntown's Cronykil, B. viii. c. 7, ll. 149-158.

well-known editor of Wyntown, remarks somewhat contemptuously on this statement, that it was in Wyntown's own time that Archibald Douglas, Lord of Galloway, afterwards third Earl of Douglas, assumed the three stars of Moray on his marriage with Joanna of Moray, the heiress of Bothwell.[1] But the learned editor was somewhat hasty in his conclusion. Sir Archibald Douglas, sometime after his marriage, did assume the arms of Moray, being three stars, two and one, in an escutcheon of pretence. But these armorial bearings were in addition to his own three stars in chief, for Douglas. Before he assumed the stars of Moray, his blazon was identical with that of his cousin William, first Earl of Douglas, whose seal, about the same date, displays on a chief three stars, with a heart in base.[2] Archibald, fourth Earl of Douglas, son of Sir Archibald, who quartered his shield, bore the Douglas arms in the first quarter, and the arms of his mother, the heiress of Bothwell, in the third quarter. It is true that the blazon of the family of Moray, as borne by the house of Bothwell,[3] differs somewhat from the blazon of Douglas, the first being three stars, two and one, while the latter is three stars in chief, or on a chief. But that fact does not invalidate Wyntown's statement, as the armorial shields of the two families bore the same number of stars, though not similarly arranged.

COMMON DESCENT OF MORAY AND DOUGLAS—THE DOCUMENTARY EVIDENCE.

Apart from the question of armorial bearings, which will be afterwards more fully considered, the opinion of Wyntown's day, that the Morays

[1] Wyntown's Cronykil, Macpherson's edition, vol. ii. p. 498.

[2] Seals attached to deed in 1373, ratifying succession to Crown of Scotland, Acts of the Parliaments of Scotland, vol. i. p. 549.

[3] The House of Bothwell, descended from a younger branch of the Moravia family, bore three stars, two and one, identical in arrangement with the bearings of the House of Sutherland, which descended from the eldest branch of the same family.

and the Douglases were of kin, is corroborated by authentic record. To show this, a short sketch may be given of the joint history of the earlier members of the two families, so far as supported by facts. The more ancient of these two great houses, according to existing documents, was the family, the members of which assumed the surname De Moravia, or of Moray. The earliest known ancestor of this family was Freskinus or Freskin, who lived during the reign of King David the First. From that king Freskin held the lands of Strabrock (now Uphall) in Linlithgowshire, and also the lands of Duffus and other territories in Moray. This is all that is known of Freskin, who must have died before 1171, as about that year his second son William received a grant of his father's lands of Duffus.[1] Freskin of Strabrock and Duffus had three sons, Hugh, William, and Andrew. Of the last named little is known, but the descendants of the two former assumed the surname De Moravia, and were the ancestors of all the branches of that wide-spread house.

Owing to the obscurity which rests upon early Scottish history in the time of King David the First, and his immediate successors, the reason why the Laird of Strabrock and his descendants were transported to Morayshire, and received such extensive territories, is not readily apparent. According to a tradition preserved by Mr. Hew Rose, minister of Nairn, who wrote a history of the Roses of Kilravock in the year 1684, the family of Freskin were natives of the soil of which they became lords, having received Duffus and other lands as a reward for their loyalty to King Malcolm the Fourth, who "dispersed the Moravii."[2] In the face of evidence that Freskin held lands in Linlithgowshire as well as Moray, prior to the reign of King Malcolm the Fourth, this tradition is of comparatively small value, except as regards the reference to the dispersion of the men of Moray, of which there is evidence from other sources.

John of Fordun, whose annals were written between the years 1360

[1] Nisbet's Heraldry, Ed. 1804. vol. ii. Appendix, p. 183. [2] Rose of Kilravock, p. 61.

and 1387, asserts that King Malcolm the Fourth, who reigned from 1153 to 1165, in consequence of a rebellion by the people of Moray under Angus, a descendant of their ancient chiefs, expelled the native population of the district. He did this, it is said, by dispossessing them, scattering them over Scotland, and planting new colonies in their room.[1] This statement is undoubtedly too sweeping, but good evidence exists of great changes among the proprietors of lands in Moray during this and the preceding reign. That province had been troublesome to the kings of Scotland in their attempts to govern the whole country, and it especially had resisted the efforts of King David the First to establish his feudal system. In 1130, while the king was in England, Angus, called Earl of Moray, a descendant of the native Mormaers, joining with Malcolm, a natural son of the late King Alexander the First, raised the standard of insurrection. They marched southward with a force of five thousand men, but were met at Stracathro, in Forfarshire, by Edward, Constable of Scotland, and defeated with great slaughter, Angus of Moray being slain. The royal forces then entered Moray, and secured possession of that territory.[2]

From that time King David the First gave attention to the civilisation of Moray, a policy which was followed up by his grandsons and successors, Malcolm the Fourth and William the Lion, the latter of whom frequently resided in the district. King David pursued the plan of planting royal castles along the coast, round which burghs soon gathered, which were filled by a commercial, and therefore a comparatively peaceful population. At Inverness, Elgin, and perhaps Banff and Forres, there were burghs or castles from this time.[3] There was a castle at Duffus so early as 1203, if not in the

[1] Fordun's Annalia, edition 1871, p. 257.

[2] Authorities quoted in Skene's Celtic Scotland, vol. i. p. 461.

[3] Registrum de Dunfermelyn, p. 18. King David the First at Banff grants 20s. from his burgh of Elgin. Cf. also Registrum Moraviense, p. 11, No. 14.

reign of King David the First.[1] Notwithstanding this attempt at civilisation, however, the men of Moray rose in insurrection more than once ere the province was settled. One of the most formidable of these uprisings took place as stated, in the time of King Malcolm the Fourth, who, according to Fordun, retaliated by depopulating the province, and colonising it with a "peculiar and peaceable people."[2]

The assertion as to depopulation has been much doubted, and is not to be understood of the tillers of the soil; but there is authentic evidence in Malcolm's reign of changes among the proprietors, and the native lords may have been expelled to make way for the new settlers. One of these settlers received the lands of Innes, between the Spey and the Lossie, and his name and the date of the grant give a clue as to the identity of the new colonists. The grant is proved to have been made in the year 1160, and the grantee was Berowald or Beroald, a Fleming (Flandrensis), whom King Malcolm thus established in the north.[3] There is evidence that a considerable number of Flemings settled in Scotland during the reign of King David the First, chiefly as burgesses and traders, in Berwick, St. Andrews, and other places on the coast. But in the year 1156, a special influx of Flemings into Scotland was caused by King Henry the Second of England, who expelled from that country a large number who had settled there. A few went to Wales, but large numbers came to Scotland, where they were welcomed, the character of their nation, as good citizens and sturdy soldiers, being well known. Those who were thus driven from England had served there as men-at-arms, and the natives of Flanders were noted in that age as engineers, builders, fortifiers, and defenders of castles.[4] Such were the very men, a "peculiar and peaceable people," to settle amid a turbulent race, to build castles, and to hold them for

[1] Registrum Moraviense, p. 273.

[2] Fordun's Annalia, edition 1871, p. 257.

[3] The Familie of Innes, Spalding Club, pp. 50, 51.

[4] *Ibid.*: cf. also Scalacronica, p. 35.

the Crown to overawe the natives. The registers of the great southern abbeys also afford evidence of many grants to Flemings in Clydesdale and other parts of Scotland about this very time.

According to George Chalmers, the learned author of "Caledonia," Freskin of Strabrock was one of these energetic settlers who was selected by King David the First to colonise the conquered province of Moray.[1] Some ridicule has been cast on this author's theory of a Flemish migration to Scotland, as in some points he draws too hasty conclusions. In this case, however, he has probability on his side. Theobald "Flamaticus" at a later date obtained a portion of Lesmahagow,[2] Thancard had Calder as well as Thankerton,[3] while Warnebald, Lambin, and others possessed lands in the counties of Linlithgow and Lanark. King David the First had a great regard for the Flemings, and appointed one of their number, Maynard, who had been Provost of Berwick, to be Provost of the new burgh of St. Andrews.[4] If, therefore, Freskin was one of this law-abiding yet warlike people, the reason for his establishment in Morayshire becomes discernible. Motives similar to those which afterwards actuated his successor would lead King David to place the strongholds of Morayshire in the hands of men on whom he could rely. By selecting a Fleming the king would also avoid rousing the active hostility of tribes who would probably not have submitted to the sway of a Norman. The insurrection of 1130, and the disturbances which followed during the next four years, would give good ground for such a policy.

In any case, as proved by the tenor of a later charter to his second son, the grant of Duffus and other lands in Moray was made to Freskin in the reign of King David, and the new settler became the lord of large pos-

[1] Caledonia, vol. i. p. 604.

[2] Liber de Calchou, p. 84.

[3] Registrum Vetus de Aberbrothoc, p. 69.

[4] Acts of the Parliaments of Scotland, vol. i. pp. 53, 85. The burgesses of St. Andrews about this time are described as Scots, French, Flemings, and English. [Register of St. Andrews, p. 194.]

sessions in the north. In the next generation these territories were so greatly augmented, that Freskin's descendants adopted their surname from the district of Moravia, and not from their particular estates within its bounds. Freskin died before 1171, leaving three sons, Hugh, William, and Andrew. Of the third son very little is known, and his descendants have not been traced. Hugh, the eldest son of Freskin, became the ancestor of the Earls of Sutherland. He appears as a witness to a charter, dated between 1147 and 1152, granted by Robert, Bishop of St. Andrews, to Herbert, Bishop of Glasgow. King David the First and his son Prince Henry were present, with more than forty clerics and dignitaries of the Court, Baldwin the Fleming, and Hugh, son of Freskin, being the last two named.[1] Hugh died between 1203 and 1211, and his son William became lord of Sutherland.[2] William, the second son of Freskin, witnessed the charter by King Malcolm the Fourth to Berowald the Fleming, dated at Perth in the year 1160.[3] Between 1165 and 1171, he received from King William the Lion a grant of the lands of Strabrock, Duffus, Rosile, Inchikel, Kintrai, which lands his father Freskin held in the time of King David the First.[4] William, son of Freskin, witnessed various charters of King William, all granted between 1187 and 1199, at Elgin, Forres, and Inverness,[5] and he was sheriff of Invernarn (Nairn) in 1204.[6]

William, the second son of Freskin, is said to have had three sons, named respectively Hugh, William, and Andrew. Hugh, the eldest son, inherited the lands of Duffus and Strabrock; he assumed the surname of Moravia, and was styled Lord of Duffus before 1203. He was buried in the church of Duffus about 1226.[7] William, the brother of Hugh, possessed the lands of

[1] Registrum Episcopatus Glasguensis, p. 13.

[2] Registrum Moraviense, preface, p. xxxiii, and charters there quoted.

[3] The Familie of Innes, pp. 50, 51.

[4] Registrum Moraviense, p. xxxiv.

[5] *Ibid.* pp. 5, 6, 8-11.

[6] Acts of the Parliaments of Scotland, vol. i. p. 118.

[7] Registrum Moraviense, p. xxxv.

Petty, Brachlie, Boharm, and Arndilly. He was ancestor of the Morays of Bothwell, and died before 1226.[1] The third son, Andrew, was a churchman.[2]

Freskin was dead, and his sons were in possession of their large territories in Moray, before the first member of the family of Douglas appears on record, between the years 1174 and 1199. During these years William of Douglas witnessed a charter in favour of the monks of Kelso, granted by Jocelyn, Bishop of Glasgow.[3] He also witnessed a charter by King William the Lion, at Edinburgh, some time after 1196,[4] and, with his son Archibald, was present at a convention between two claimants of the earldom of Menteith, made on 6th December 1213, before Alexander, Prince of Scotland, and a number of magnates.[5] The precise date of the death of William of Douglas is not known, but it is evident that he was contemporary with the immediate successors of Freskin. No evidence, however, has been found that he ever resided in Morayshire.

It was otherwise with William's eldest son Archibald, whose history affords several points of interest in connection with the question of the origin. He is first named in a document which must have been dated between 1179 and 1198, in which Archibald, Abbot of Dunfermline, grants to Thomas, son of Edward of Lestalric (Restalrig), the lands of Hailes. The Abbot narrates that the lands had been held from the monastery by Archibald, son of William of Douglas, and were given by him to the grantee.[6] The charters of the lands were also handed over, which seems to imply some length of possession by himself or his father. The lands of Hailes in Midlothian were not far from Strabrock in West Lothian, the first home of

[1] Registrum Moraviense, pp. xxxvii, 23.

[2] *Ibid.* p. 131.

[3] Liber de Calchou, vol. ii. p. 346.

[4] Charters of Holyrood, p. 44.

[5] The Red Book of Menteith, by William Fraser, vol. ii. p. 215.

[6] Registrum de Dunfermelyn, p. 190.

the Freskins, and as the latter kept up connection with their Lowland estate, friendly intercourse may have existed between the two families.

The next recorded appearance of Archibald Douglas, son of William, is in Morayshire, where he and his brothers resided more or less permanently from about the year 1200. The cause of this migration was the elevation of Brice, a younger son of William of Douglas, to the Episcopal See of Moray. He belonged to the fraternity of Kelso Abbey, and had been prior of their cell of Lesmahagow, not far from his native valley of Douglas.[1] Brice of Douglas was Bishop of Moray from 1203 to 1222, and between these years the following members of the family of Douglas appear frequently as witnesses to charters granted by him,—Archibald of Douglas, Alexander of Douglas, Hugh, Henry, and Freskin of Douglas.[2] They were therefore not only contemporary with the immediate descendants of Freskin, who, shortly before 1203, had assumed the surname of Moravia, but like them were emigrants from a southern neighbourhood. It has been suggested that Bishop Brice persuaded his brothers to come northward, and provided for the younger members of the family.[3] But the migration of the Bishop himself from Lesmahagow to Moray remains to be accounted for, which may be done by assuming a previous connection with the north.

That such a connection did exist is proved by a charter dated between 1203 and 1222, granting the tithes of the church of Deveth (now Daviot) to be devoted to the maintenance of the fabric of the church of Spynie, then the cathedral church of Moray.[4] Bishop Brice, who makes this grant, states that the church of Daviot was devoted to this purpose at the suggestion and request of his uncle, Freskin of Kerdal ("ad instantiam et petitionem Freskyni de Kerdal avunculi nostri"). Freskin of Kerdal or Cardell was lay patron of the church of Daviot, and was therefore probably proprietor of

[1] Chronicon de Mailros, p. 105.
[2] Registrum Moraviense, pp. 61, 62, 81.
[3] Registrum Moraviense, pp. xlv, xlvi.
[4] *Ibid.* p. 61.

the territory in which it was situated. To this Morayshire baron therefore the Douglases were related, and his history, so far as it can be traced, becomes of importance. Unhappily very little information has been obtained regarding Freskin of Kerdal. It has been conjectured "from the peculiarity of his name, that if not a member, he was at least a relative" of the family of Moravia.[1] If so, the extensive territories which that family possessed in the north, and the influence which they could thus exert, might partly at least account for the elevation of Brice of Douglas to the Bishopric of Moray, as a kinsman of the chief lords in the diocese.

In an endeavour to discover the ancestry of Freskin of Kerdal, his true relationship to the Douglases and their possible affinity through him to the De Moravias, it is impossible to overlook the similarity of Christian names in the members of the two families. In the pages of the Register of Moray, Hugh, William, Archibald, Freskin, and Alexander De Moravia appear side by side with, or as contemporaries of, the nephews of Freskin of Kerdal, Archibald, Alexander, Hugh, Henry, and Freskin of Douglas. Such a coincidence of Christian names may not be accidental; it rather suggests relationship between the families. The register referred to gives evidence of more than one person bearing the surname of Moravia, who have not been affiliated to the Morays of Sutherland, Duffus, or Petty. Thus in a charter by Bishop Brice granting to Hugh of Moravia, Lord of Duffus, the privilege of a chaplainry in the Castle of Duffus, two of the witnesses are Archibald of Moravia and William his brother, who are not identified, except in name, with the Lords of Moray.[2] The parentage of Gilbert of Moravia, afterwards Bishop of Caithness, with his brothers John and Richard, is uncertain.[3] If, therefore, doubt rests on the pedigree of prominent members of a family so distinguished as that of Moray, the descent of less-known persons such as

[1] Mr. Cosmo Innes in Registrum Moraviense, preface, p. xlv.

[2] Registrum Moraviense, p. 274.

[3] *Ibid.* p. xliii.

Freskin of Kerdal is still more obscure. In his case, however, certain evidence exists which, though very slight, tends to throw some light on his ancestry.

The parentage of Freskin of Kerdal is the more difficult to trace, as he appears to have left no male heirs. James of Kerdal witnessed a charter granted at Castle Urquhart in 1342,[1] and in 1414 Nicholissa of Kerdal was one of the heirs-portioners of the barony of Kerdal, William of Grame being the other, but no descent from Freskin of Kerdal can be traced. Nicholissa of Kerdal was also one of the two superiors of the lands of Dunmaglass, in the barony of Kerdal, which were held by Donald, Thane of Cawdor.[2] A few years later, in 1420, William the Grame, styling himself son and heir of the late Henry the Grame, resigned into the hands of Thomas Dunbar, Earl of Moray, as overlord, his lands of Kerdal, in favour of himself and heirs, whom failing, in favour of his "gudfadyr," William Hay, Lord of Lochloy.[3] In 1422, the same Earl released John Hay of Lochloy from his promise to marry the Earl's daughter, and also gave up his right to forty merks of half the barony of Kerdal under an entail between the grantee's father and the grantee's "brother" William Grame.[4] A small annual rent was paid to the Bishop of Moray from the barony of Kerdal in 1457, while the earldom of Moray was in the hands of the Crown after the forfeiture of Archibald Douglas, Earl of Moray. In 1602, in the retour of James Stewart, Earl of Moray, as heir of his mother, Elizabeth Stewart, Countess of Moray, and in subsequent retours of the Earls of Moray, the "lands of Cardell" are enumerated among their other possessions in Inverness-shire.[5] In the retour of William M'Intosh of Torcastle, as heir of his father, Sir Lachlan, in 1634, the half-lands of Tulloch and Ellerig are described as in the barony of Cardell and Strathnairn.[6] From these statements may be gathered some

[1] Invernessiana, p. 56.
[2] The Thanes of Cawdor, Spalding Club, p. 5.
[3] Registrum Moraviense, pp. 475, 476.
[4] The Thanes of Cawdor, p. 10.
[5] Retours, Inquisitiones Speciales, Inverness, Nos. 12, 62.
[6] *Ibid.* No. 56.

idea of the locality of Kerdal, though its extent cannot be defined. It was wholly or partly in the present county of Inverness, in the valley called Strathnairn, and if the more modern Cardell applies to land of the same extent as the ancient Kerdal, it could not have been a very large barony. But it is possible that, as Freskin of Kerdal was patron of the church of Daviot, he was proprietor of a considerable portion of Strathnairn,[1] of which the Castle of Daviot was, certainly at a later date, the principal messuage. After the forfeiture of Archibald Douglas, Earl of Moray, in 1455, Strathnairn was for some time in the hands of the Crown, then in the hands of the Ogilvies of Banff, and was disponed about 1535 to Sir John Campbell of Cawdor.[2]

No evidence has been discovered of any immediate descendant of Freskin of Kerdal, save one daughter (or granddaughter), who married, previous to 1234, Sir Alexander of Striuelyn or Stirling, the founder of the family of that name in Moray. Bishop Brice's grant to the church of Spynie of the church of Daviot, of which Freskin of Kerdal was patron, has been referred to. After the Bishop's death in 1222, his successor confirmed the grant, and Freskin, the patron, was then dead also.[3] In 1234, a half davoch of land near, and belonging to the church of Daviot, was the subject of an agreement between the chapter of Moray and Sir Alexander Stirling. It was arranged that Sir Alexander and his heirs by his wife, the daughter of the deceased Sir Freskin of Kerdal, should hold the land in question from the Chapter, in feu-farm, for certain payments and conditions.[4] This deed was executed in duplicate, and sealed by both parties with their respective seals.

The name of Sir Alexander Stirling's wife is not given in the deed of agreement, but evidence preserved in the charter-chest of another northern

[1] Freskin's possessions probably represented a large part, the southern part, of the modern parish of Daviot and Dunlichty.

[2] The Thanes of Cawdor, p. 162.

[3] Registrum Moraviense, p. 65.

[4] *Ibid.* p. 99. As the wife of Sir Alexander of Stirling is said to be a daughter of Sir Freskin of Kerdal, she may have been a granddaughter of the uncle of Bishop Brice.

family appears to supply information which throws much light on the family of Kerdal. Sir Alexander Stirling is believed to have been father of Sir John Stirling, who in 1296 paid homage to King Edward the First of England for lands in Moray and elsewhere.[1] Sir John Stirling's son, Alexander of Stirling, and Elizabeth his wife, daughter of Sir John de Bosco, joined in a renunciation of their right to the lands of Kilravock, which had belonged to Elizabeth Byset, wife of Sir Andrew de Bosco, mother of Sir John. She had bestowed the lands on Hugh Rose, first of Kilravock, on his marriage with her daughter Marie. Sir John de Bosco left no heirs-male, and his three daughters, as co-heiresses and portioners of his estate, resigned to William Rose, son of Hugh Rose, all their rights over Kilravock. The resignation by Elizabeth de Bosco and her husband was made on 14th June 1327.[2]

A connection between the families of Stirling and that of Rose of Kilravock being thus proved, an entry in an old inventory of the latter family becomes more important. The entry refers to a charter of donation by Marjory de Moravia, widow of Sir Alexander Stirling, granting to her daughter Isobel, and the heirs of her body, the lands of Cantra Freskyn, to be held for payment yearly of a pair of gloves. This charter is not dated, and the only one of the witnesses whose name has been preserved is Archibald, Bishop of Moray, who held that see from 1253 to 1298.[3] The earlier of these dates may be the nearest to the date of the charter, as Sir John Stirling was the head of the family in 1296. The grant to Isobella Stirling was probably intended as a marriage portion, and does not imply that she was an heiress. It is also worthy of note that the lands of Cantray or Kintray were not far from Daviot and the so-called barony of Kerdal or Cardell, and were included in the grant of his father's lands to William, son of Freskin, in 1171. If,

[1] The Stirlings of Keir, by William Fraser, p. 14; Ragman Rolls, Bannatyne Club, 1834, pp. 93, 94, 119.

[2] Rose of Kilravock, Spalding Club, pp. 32, 114; History of Beauly Priory, pp. 63, 67.

[3] Rose of Kilravock, p. 120.

therefore, Marjory de Moravia, here designed as the widow of Sir Alexander Stirling, was the daughter of Sir Freskin of Kerdal, who was Sir Alexander's wife in 1234, the proof that Freskin of Kerdal was a descendant of Freskin of Strabrock and Duffus would be complete. But the evidence warrants no more than the possibility that he may have been a younger son of William, son of Freskin, and a grandson of the older Freskin.

The precise relationship of Freskin of Kerdal to the early ancestors of the family of Douglas is not determined by the statement that the former was the uncle of Bishop Brice. Had the term used been the definite word *patruus*, father's brother, and had the relationship of Freskin of Kerdal to the family of Moray been conclusively ascertained, the problem as to the origin of the Douglases would be so far solved, by William of Douglas, father of Bishop Brice and his brothers, being a brother of Freskin of Kerdal, and so a descendant in common with the founders of the family of Moray from the first known Freskin. But as the term of relationship between Freskin of Kerdal and Bishop Brice is not *patruus*, but the indefinite word *avunculus*, this does not follow; they may have been only brothers-in-law, Freskin having married a sister of William of Douglas, or William's wife being a sister of Freskin, in which case the question of origin is where it was at first. Further light on this point may be obtained from a consideration of the armorial bearings of the family of Douglas, in relation to the Moravias and Freskin of Kerdal.

ARMORIAL BEARINGS OF THE DOUGLASES AND THE MORAYS.

The historian Wyntown has been quoted for the opinion of his day, that the Morays and Douglases were of kin because they bore "the sternys (stars) set in lyk manere." It has already been stated that the blazon of Douglas differed somewhat from the blazon of Moray, as borne by the houses of Sutherland and Bothwell. The family of Sutherland was descended

from Hugh, the eldest son of Freskin of Duffus, while the family of Bothwell derived their origin from Freskin's second son William. The blazons of Sutherland and Bothwell, an arrangement of three stars, two and one, may therefore be taken as representing the true blazon of Moray. The family of Douglas also blazoned three stars, but arranged in a line on a chief. In reference to the seals of William, first Earl of Douglas, who held the Douglas estates from 1348 to 1384, and whose armorial bearings are well known, a recent writer remarks—"He had three if not four seals, all giving arms such as a herald of that day would have blazoned out of a conjunction of a coat of three stars only, with an augmentation of a heart."[1] This remark is borne out by the evidence of the seals themselves, as portrayed in this work. It may be added that the augmentation of the heart in base was not used until after the death of the Good Sir James, being first borne by his son William, who succeeded him, and became Lord of Douglas. It was no part of the earlier described armorial bearings of the family.

No seals of the Good Sir James of Douglas have, so far as is known, been preserved, nor, as regards his predecessors, have any charters been found to which William of Douglas, the first on record, or Archibald, his son, were principals, and it cannot be known whether they used armorial seals or not. But the son of Archibald, Sir William of Douglas, third lord of Douglas, was a party between 1253 and 1266 to several important documents, and to these he appended his seal.[2] One of these documents, a marriage-contract, dated 6th April 1259, between Sir William Douglas and Sir Hugh Abernethy for the marriage of Hugh of Douglas, son of Sir William, with Sir Hugh's sister, is still preserved in the Douglas Charter-

[1] Registrum Moraviense, preface, pp. xlvi, xlvii.

[2] In 1253, a convention between the Bishop of Glasgow and Walter of Moray.—Registrum Episcopatus Glasguensis, vol. i. p. 163. In 1266, a resignation to the monks of Kelso, in presence of King Alexander III. and his magnates.—Liber de Calchou, vol. i. pp. 155-158.

chest.[1] The seal is no longer attached, but was still appended (in a worn condition) in the time of Godscroft, who describes the contents of the document so minutely as to leave no doubt that he had seen the original. He also describes the seal as being "longer then broad, fashioned like a heart, the letters thereon are worn away, and not discernable save onely (W^{m}), and the armes seeme to be three starres or mullets at the upper end thereof; but I cannot be bold to say absolutely they were so."[2]

This cautious description is probably accurate, as it is corroborated by Sir Richard Maitland.[3] It is the same device which is figured on the seal of Sir William le Hardi, appended to his deed of homage to Edward the First of England in 1296, with this addition, that the three stars are borne on a chief, a refinement which was then coming into use. In this seal, a representation of which is here given, the shield is surrounded by what are apparently three lizards, and the legend S : DNI : WIL . . . MI : DE : DVGLAS.



It is somewhat remarkable to find a similar conjunction of stars on the seal, in 1296, of Sir John Stirling of Moray, a son or descendant of that Sir Alexander Stirling who married the daughter of Freskin of Kerdal. This seal is the more noteworthy, as it blazons six stars, three at the upper end

[1] Vol. iii. of this work, p. 1.

[2] Houses of Douglas and Angus, edition 1644, p. 13.

[3] Sir Richard writes, "Schir Johnne Bellenden of Auchinknowill, knycht, principale Justice Clarke of Scotland, schew to me that he saw and red ane indentoure in maner of ane contract of mariage. . . . The quilk evident and indentoure (of 1259) the said Justice Clark did schaw to vmquhile Henrye Bischope of Ross with the Erle (*sic*) of Douglass seill hingand thairat, being bot three starnis alanerlie without the bludie harte."—[MS. History at Hamilton Palace.]

of the shield, similar to Douglas, although not on a chief, and under them other three arranged two and one, as in the arms of Moray.[1] It was no uncommon thing for vassals of great lords to assume the arms of their feudal superiors, with some difference of arrangement or tincture. These were called arms of dependence, and the practice was adopted in Moray as elsewhere. Thus the family of Brodie, who held lands in Moray, blazon a chevron gules between three stars, two and one, azure.[2] The family of Innes also blazoned three stars, two and one. This, however, was not the blazon first assumed by them. The three stars appear on the seal of Walter Innes of Innes in 1431, but a seal used by an earlier member of the family in 1296 shows only a central ornament representing a star of six points.[3] Other vassals or allied families adopted other arrangements of the stars. Thus Mary de Moravia, daughter and coheiress of Freskin de Moravia, Lord of Duffus, married before 1269 Sir Reginald le Chene the younger, and between 1292 and 1296 her husband or son, Sir Reginald le Chene, used a seal showing a shield charged with three stars on a bend, between ten cross crosslets.[4] About 1350, Muriella of Doune, widow of William Rose of Kilravock, granted to her second son, Andrew Rose, certain lands, of which Sir John Moray of Bothwell was superior. She affixed to the document her seal, which bears on a shield her husband's cognisance of the water-budget, below three stars in chief, the last being similar to the stars of Douglas.[5]

The seal of Sir John of Stirling in 1296 differs, however, from all those referred to in uniting the cognisances usually assigned to each of the two families of Douglas and Moray. His estates lay in Moray; he might therefore have naturally assumed the three stars of Moray as arms of

[1] Seal of Sir John Stirling of Moray, attached to the Ragman Roll of 1296, figured in "The Stirlings of Keir, by William Fraser," p. 14.

[2] Shaw's Moray, edition 1882, vol. ii. p. 252.

[3] The Familie of Innes, engravings of seals on pp. 56 and 69.

[4] Registrum Moraviense, preface, p. xxxvii; Rose of Kilravock, p. 29, and engraved seal on p. 115.

[5] *Ibid.* p. 119.

dependence. But why should he add to these the stars of Douglas, unless they were arms of alliance, and that through the female line he claimed a common ancestry? That common ancestry, so far as known, could only be through Freskin of Kerdal, who was, on the one hand, the uncle of Bishop Brice of Douglas, and on the other, the father-in-law of Sir Alexander Stirling, the progenitor of Sir John Stirling. The testimony of Sir John Stirling's seal may therefore be added in support of what was formerly stated in reference to Marjory de Moravia, the widow of Sir Alexander Stirling, being also the daughter of Freskin of Kerdal, and strengthening the probability that he was a member of the Moravia family, perhaps a grandson of the first Freskin who migrated from Strabrock to Duffus. It cannot, however, be overlooked that the seal in question also suggests that the family of Douglas may have adopted the three stars in chief in memory of their alliance with Freskin of Kerdal, though as to this there is no proof.

While the facts stated in the preceding pages are interesting, presenting for the first time the arguments for this theory in a new and connected form, the chain of evidence is not complete, and no definite conclusion can be drawn. The proved kinship of the family of Douglas with a Morayshire baron, the similarity of Christian names, and also of armorial bearings, while these tend to connect the Douglases closely, not only with the province of Moray, but also with the family of Moray, do not prove that the two families of Douglas and Moray had a common origin. That connection may have been only by intermarriage, as the alternative that William of Douglas was a brother of Freskin of Kerdal, and therefore possibly deriving from a Flemish ancestor, though not inadmissible, is not supported by decisive evidence.

HUME OF GODSCROFT'S TRADITIONS.

Nor on the origin of the family of Douglas, can anything certain be learned from the narrative of the family historian, Hume of Godscroft. He

is so impressed with the antiquity of that House, that he declares its origin incapable, on account of that antiquity, of "an exact and infallible demonstration." Yet he asserts regarding his heroes, that "according to the constant and generall tradition of men, thus was their originall," and proceeds to relate how, during the reign of Solvathius, King of Scotland, his throne was assailed by a pretender, Donald Bane, who, having possessed himself of the Hebrides, aspired to set the crown of Scotland also on his head. He gathered a considerable army, and encountered the royal forces sent against him with such effect, that he nearly gained the victory. But "a certain noble man, disdaining to see so bad a cause have so good successe," made an attack with his followers on the usurper's army, and turned the battle in favour of the king. The latter afterwards inquiring who this loyal nobleman was, received the reply, "'Sholto Du glasse,' that is to say, Behold yonder black, grey man." Under this title, Solvathius promoted his loyal subject in his service, and bestowed upon him extensive domains, which from him took the name of Douglasdale. These events occurred, it is said, in the year 767.

For proof of this narrative, Godscroft refers not only to tradition, "truth delivered from hand to hand," but also to a "certain manuscript of great antiquity," which had been seen and perused by William, tenth Earl of Angus, while residing in the north of Scotland in 1595. Whatever this manuscript may have been, it seems to have told the same tale as Hector Boece, to whom, as well as to Buchanan and Holinshed, Godscroft refers as the historians whom he consulted. It need scarcely be added, that Solvathius is a king of Scotland unknown to accurate history, and though Donald Bane is a historical personage, his insurrection did not take place until several centuries after the date assigned to Sholto Douglas.

To Sholto, according to Godscroft, succeeded his son Hugh, who had two sons: Hugh, who inherited the family estates, and William, who is claimed as the progenitor of the family of the Scoti in Italy. Achaius, the successor of

Solvathius, having made a league with the Emperor Charlemagne, sent an army of four thousand men to assist the Emperor in his Italian wars. William Douglas accompanied this auxiliary force, but falling sick on his way homeward, remained at Piacenza, and finally settled there. While Godscroft was writing his history, William, the eleventh Earl of Angus, travelling in France, met with some noblemen who claimed descent from this William Douglas. A correspondence ensued, which, however, proves nothing more than that the representatives of the Scoti in Italy believed themselves descended from a Douglas who came from Scotland in the time of Charlemagne.[1] The story of Achaius and of the treaty with the Emperor about the year 800, is, so far as history is concerned, a myth, and the tradition of the founding of the Scoti of Italy by William Douglas, grandson of Sholto, is so far a fable.[2] On the other hand, the alleged connection between the Scoti of Piacenza and the family of Douglas, may have a basis of fact. During the reigns of the fifth, sixth, and seventh Charleses, or between 1364 and 1460, many Scots went to France, and the Douglases not only were frequent visitors to the Continent, but also possessed large estates in France.

After this digression on the subject of the Scoti of Piacenza, Godscroft comes to a sudden pause in his narrative, and he is compelled to confess that for the space of nearly three centuries he can find no trace of his heroes. The next whom he introduces to the reader is a William, first Lord of Douglas, who, he alleges, was created Lord Douglas at a Parliament held at Forfar by King Malcolm Canmore, in the year 1057 or 1061. The two sons of this William were, it is said, Sir John Douglas of Douglasburn, and William of Glendinning. Between these two, Godscroft is puzzled to find a successor to the Douglas estates. Sir John's son, William, is,

[1] Correspondence printed pp. 291-302, vol. iv. of this work.

[2] On 15th November 1279, King Edward I. granted a protection for three years to Albert Scot, and his partners of the "Scotti" of Placentia, and their merchandise throughout his realm. [Calendar of documents relating to Scotland, vol. ii. No. 167.]

however, the next in possession, about 1152, to whom succeeds his son Archibald, whose son, William, was the granter of the Indenture of 1259, already referred to, when the historian first founds upon authentic record.

Of the earlier generations commemorated by Godscroft, only the last three names, William, Archibald, and William Douglas, are found on record, as will be shown in their respective memoirs. The alleged Parliament of Malcolm Canmore in 1057 or 1061, in which the king created numerous earls and other nobles, is a myth invented by Hector Boece, who probably confused it with some real event of a later period.

Godscroft's history, therefore, so far as the origin of the family of Douglas is concerned, is utterly unreliable, and where he does touch upon genuine history, the events are so misdated as to seem mythical. He had some perception of his failure to throw light upon the ancestry of his heroes, for he cries out more than once against the darkness of the ages which had obscured their brilliant deeds, and handed down no trace to posterity. Not content with tracing their pedigree back to the year 767, he exclaims, "We do not yet know them fully; we do not know them in the fountain, but in the stream; not in the root, but in the stock and stemme; for we know not who was the first mean man, that did by his vertue raise himselfe above the vulgar to such eminent place and state, as our Sholto behoved to have been of, before he wan the battell, and got the name of Douglas, which hath drowned his former name," etc.[1]

There is, however, something to be said in favour of Hume of Godscroft's claim for the ancient lineage of the Douglases, when looked at from the traditional and even the purely historical point of view. In consequence of the fabulous framework in which he has set his historical facts, the story of "Sholto Duglasse" has been condemned without mercy, while hitherto no one seems to have inquired how far it had a foundation in genuine

[1] Houses of Douglas and Angus, edition 1644, preface.

history. Godscroft indeed claims that his tale of Sholto Douglas in the time of King Solvathius was according to the "constant and generall tradition of men." This statement is doubtless exaggerated, but may reasonably be taken to refer to some legend preserved in the family of Douglas, "delivered from hand to hand," regarding their first prominent ancestor.

Stripped of the mythical, Godscroft's story is simple enough, and quite within the bounds of possibility. It is that the earliest known ancestor of the Douglases distinguished himself on the side of the King of Scotland in an engagement between the royal troops and those of an insurgent chief called Donald Bane, who claimed the crown; that the royal troops were victorious, and the rebel leader slain. Had Godscroft not been misled by the authorities he consulted, or had he stated that Donald Bane claimed the crown of William the Lion, and that the king's forces marched against the rebel, who was slain, he would have been perfectly accurate. If, further, in accordance with his tradition, he had declared that the first Douglas fought against Donald Bane and thus became famous, the statement might have been quite true, as there is evidence that Donald Bane and the first recorded Douglas were contemporaneous.

Godscroft, however, was not to blame; he did not invent his story: his information, except when drawn from family charters, depended on inaccurate historians, and he had no opportunity of basing the history of his heroes on actual facts. He probably found that family tradition connected the ancestor of the Douglases with the insurrection of Donald Bane. He consulted previous writers to learn when this event took place, and Boece and Buchanan, the authorities quoted by him,[1] both refer the last rising of

[1] Boece (or Boetius), Holinshed, and Buchanan, are the historians whom Godscroft quotes at this stage of his history. Bellenden's translation of Boece was made about 1530, and printed so early as 1541. Buchanan wrote during the reign of King James the Sixth. Godscroft had access also to a MS. of Fordun which he calls the Black Book of Scone, but he does not quote it in the early portions of his narrative.

Donald Bane to the year 767, in the time of an imaginary King Solvathius. Godscroft therefore was obliged to place the ancestor of the Douglases at that date, which he doubtless did all the more readily, that the mythical account of a Parliament at Forfar, in 1057, supplied him with evidence for a generation or two, between his first Sholto and the authentic William of Douglas of charter record. Had the prominence of the first known Douglas not been associated in Godscroft's mind with the insurrection of Donald Bane, there was no reason why he should have fixed upon that event as the point from which to deduce the ancestry of his heroes. Many other incidents were equally available on which to found an imaginary descent. But as Godscroft's traditional authority linked the two events together, he dated the Douglas pedigree from the period which the authors he consulted assigned to the insurrection in question.

The true narrative of Donald Bane may now be briefly given. He was, as he styled himself, the son of William Fitz Duncan, a natural grandson of King Malcolm Canmore. Donald therefore claimed to be of royal lineage, and the true heir of the throne of Scotland, then occupied by King William the Lion. King William having given offence to the Celtic portion of his subjects, some of the leading men made overtures to Donald Bane, and invited him to assert his claim. The King was absent in Normandy when the insurrection broke out, but returned immediately and took the field against the insurgent leader. Donald Bane had by this time gathered a considerable force, and infested the district of Ross, where the people, and probably also those of Moray, flocked to his standard. But he did not on this occasion face the royal troops, and King William returned to the south, after strengthening his garrisons in the northern districts, and erecting the castles of Dunscath and Redcastle.[1]

This was in 1179, or between that year and 1181. Some years later,

[1] Chronicon de Mailros, p. 90; Fordun, edition 1871, vol. i. p. 268.

King William, whose attention had meanwhile been occupied by a serious rebellion in Galloway, and other disturbances in the south, was again compelled to march against Donald Bane. The latter had during the interval maintained himself in the district north of the Spey, ravaging the territory which belonged or adhered to the Crown. Fordun says, that for no little time the usurper held the whole of Moray, and it had become necessary for the king, if he was not to lose his kingdom, to kill or capture this claimant to the throne.[1] King William was unable to attempt this until the year 1187, when, with the whole available military force of Scotland, he advanced to Inverness. Among those who accompanied the king was Roland, a grandson of Fergus, Lord of Galloway. It is stated that in a difficulty which arose among the nobles as to the leadership of the army, which was to march without the king against Donald Bane, Roland remained faithful to the royal authority, and putting himself at the head of three thousand of his own followers, went in search of the rebel chief, while the king remained with the main portion of the army at Inverness.[2]

Other accounts, however, state that the king sent his earls and barons with the Scots and Galloway men to subdue the enemy; that a dispute arose, and then it was agreed to send out a foraging or plundering party. Accordingly nearly three thousand warlike young men were chosen to go out on such an errand, among whom were the household (familia) of Roland Fitz Uchtred.[3] It does not appear from this that he himself led this guerrilla force, but be that as it may, while these young men were scouring the country, they, or a detachment of them—Fordun says two thousand—came unexpectedly upon Donald Bane and his troops, on a moor called Mamgarvy, near Moray. The insurgent leader seeing that

[1] Celtic Scotland, vol. i. p. 478, and authorities there quoted.

[2] Robertson's Scotland under her Early Kings, vol. i. p. 392.

[3] Benedictus Abbas, a contemporary chronicler, quoted in Celtic Scotland, vol. i. p. 479, note; Chronicon de Mailros, p. 96.

the king's troops were few in comparison of his own men, rushed to battle. But the royal forces manfully withstood his onset, and in the end were completely victorious, Donald Bane, with five hundred of his followers being left dead on the field. The date of this decisive engagement was the 31st July 1187.[1]

It is at a period contemporaneous with this victory at Mamgarvy, or between 1174 and 1199, that the earliest recorded ancestor of the Douglases, William of Douglas, appears for the first time as a witness to royal charters and others writs. It has been asserted that, as the Douglases "were not among the Magnates Scotiae, they appear not as witnesses to the charters of David I., or his grandsons Malcolm IV. and William, or of Alexander II."[2] This, however, is disproved by evidence already given, that William of Douglas and his son Archibald both attended the Court of King William the Lion. Their appearance on record at the period in question may of course be a mere coincidence, but when to this fact is added the connection they undoubtedly had with the province of Moray, where the final struggle and defeat of Donald Bane actually took place, Godscroft's tradition, stripped of embellishments, would suggest that the historical William of Douglas, either as a loyal resident in Moray, or as one of the king's military vassals from the south or from Douglasdale, took part against the historical Donald Bane, and so brought himself into special notice.

Although the fact that William, the first Douglas on record, was contemporaneous with Donald Bane, throws no additional light on the origin of the family of Douglas, it is legitimate to conclude that William Douglas was the person to whom Godscroft's tradition properly refers. He is historically the first of his race, the foremost to bring it on the stage of history, and history and tradition alike point to him as the first known Lord of Douglas.

[1] Fordun, edition 1871, vol. i. p. 268.

[2] Chalmers's "Caledonia," vol. i. p. 580.

FLEMISH ORIGIN FROM THEOBALD.

In answer to Godscroft's declaration that the Douglases were not known "in the fountain, but in the stream; not in the root, but in the stock and stemme, for we know not who was the first mean man," etc., a more recent historian, George Chalmers, the author of "Caledonia," remarks that if the writer "had opened his eyes he might have seen the first mean man of this family." Chalmers then asserts that he will produce the object of inquiry, which he accordingly does, as he believes, in the person of "Theobald Flamaticus," Theobald the Fleming, who between 1147 and 1160 received a grant of lands on the Douglas water.[1] Chalmers is so satisfied with this statement that he pronounces this grant to be "the first link of the chain of title-deeds to Douglasdale," and declares that the family of Douglas "must relinquish their original domain, or acknowledge their Flemish descent." But this assertion has, in the light of later research, been shown to be erroneous, as the lands given to Theobald were not in Douglasdale, but in the parish of Lesmahagow, which belonged to the Abbey of Kelso.

Local research defines the lands given to Theobald to be identical with Folkaristoun or Folkarton.[2] If so, they could not have remained long in Theobald's hands, as between 1208 and 1218, Henry, Abbot of Kelso, granted to Richard, son of Solph, the lands of Folcaristun, which his father and ancestors held, though it would appear that they were only sub-tenants.[3] Chalmers, in supporting his argument as to Theobald, states that at a later date his descendants received other grants of land on Douglas water from another Abbot of Kelso. Reference is here made to the lands of Poneil, or

[1] Chalmers's Caledonia, vol. i. p. 579.

[2] Mr. G. V. Irving in "Upper Ward of Lanarkshire," vol. ii. p. 224. This holding was probably larger than the modern Folkerton, which is partly in Lesmahagow, and partly in Douglas parish. — [*Ibid.* p. 238.]

[3] Liber de Calchou, vol. i. p. 78.

that portion of them in the territory of Lesmahagow, which in 1270 was granted to Sir William of Douglas. But that grant was made only for life, and the lands of Poneil had been the subject of a claim by the Folkarton family.[1]

In corroboration of the possibility that Theobald did not remain long settled on Douglas water, and as suggestive of his real descendants, it may be noted that his name occurs elsewhere in an entirely different connection. Between 1204 and 1211, Umfrid de Berkelay granted to the Abbey of Arbroath the lands of Balfeith and certain rights over his fee of Conveth.[2] This Humphrey is claimed by Chalmers as a brother of Walter de Berkelay of Inverkeillor and Redcastle, Chamberlain of Scotland from 1165 to 1189, who is further assumed to be a scion of the southern family of Berkelay.[3] The relationship between Walter and Humphrey is not proved, but if they were brothers, their father has hitherto been overlooked. In a lease by the Abbot of Arbroath in 1242 to John Wishart, of lands in the parish of Conveth, they are described as granted by King William the Lion to "Umfrid de Berkelay, son of Theobald,"[4] who may or may not be the Fleming of Folkarton, but it is not improbable, as many Flemings held lands on the east coast. In any case the descent of the Berkelays from Theobald is more clearly proved than that of the Douglases. It does not, however, appear that the modern family of Barclay or Berkelay are descended from this Theobald. Humphrey Berkelay, whether a brother of the Chamberlain or not, left only an heiress, Richenda, who married Robert, son of Warnebald, apparently a Fleming, and thus became the ancestress of the family of Cunningham, Earls of Glencairn. Robert, son of Warnebald, died, and Richenda was left a widow before 1189.[5]

It is evident from the foregoing, that the assertion that the family of

[1] Liber de Calchou, p. 168; cf. p. 154, No. 189.
[2] Registrum Vetus de Aberbrothoc, p. 60.
[3] "Caledonia," vol. i. p. 529.
[4] Registrum Vetus de Aberbrothoc, p. 206.
[5] *Ibid.* pp. 198, 200; "Caledonia," vol. i. p. 536; Liber de Calchou, vol. i. p. 232.

Douglas descended from Theobald the Fleming, who for a short time settled at Folkarton near their territory, is no more to be relied upon than the statements made by Hume of Godscroft.

NATIVE OR CELTIC ORIGIN.

Had Godscroft's narrative been founded on authentic evidence, there might have been good reason for adhering to his view of the origin of the Douglas family, in so far as it points to the probability that they were natives of the soil, and were brought suddenly into the ken of history by some special event or act of royal favour. A recent historian writing upon what he terms the Theory of Displacement, a theory which assigns every Scottish name of note to a foreign settler, combats this view with considerable force.[1] The evidence he adduces in favour of a contrary opinion cannot be ignored, and tends to show that notwithstanding the undoubted migration into Scotland, at various dates, of Saxon, Norman, and Flemish settlers, the native population remained to a large extent undisturbed. In regard to the Lords of Douglas and their territory, no document of the nature of grant or charter has been found which affects the integrity of their domain, though years before a Douglas is found on record, the lands all round their territory were in possession either of Crown vassals or great abbeys. Another writer also, more recent than the last cited author, and looking on the subject from a different point of view, gives testimony which corroborates this statement.

David, Prince of Cumbria, afterwards King of Scotland, under the title of David the First, between 1116 and 1120, made inquisition into the possessions of the Church of Glasgow in all the provinces of Cumbria under his power. These were situated in that portion of Cumbria called Strathclyde, and, as appears from the document, included Lanark, Ayr, Renfrew, Dumfries, and

[1] Robertson's Scotland under her Early Kings, vol. ii. Appendix R.

Peebles.[1] David was also overlord of Galloway, and ruler over Lothian and Teviotdale. The ancient territory of Douglas was therefore within Cumbria. Speaking of the inquest referred to, and other charters of Prince David, Mr. Skene says, "The native Cumbrians nowhere appear as witnessing his (Prince David's) grants, and it seems plain enough that he had largely introduced the Norman element into his territories, and ruled over them as a feudal superior, basing his power and influence upon his Norman and Anglic vassals, of whom the former were now the most prominent, both in weight and number."[2]

The same writer elsewhere refers to a movement of the Anglic population of Northumbria, etc., into the upper valley of the Tweed and Teviot, and along the banks of the great watercourse of the Clyde, and to the plains of Renfrew and Ayr. He then adds, "Extensive territories too were granted by Earl David (afterwards King David the First) to his Norman followers. The great district of Annandale was given to De Bruce. The adjacent districts of Eskdale and Ewisdale were filled with Normans. The De Morevilles obtained Cunninghame or the northern district of Ayrshire, and the Norman Fitzallan, who became the Steward of Scotland, acquired Renfrew and part of Kyle. These Norman barons settled their Northumbrian followers on their lands, and thus almost the whole of the ancient kingdom of the Cumbrian Britons became soon entirely Saxonised."[3]

In this enumeration of grants to foreigners, however, the districts of Douglasdale and a large sweep of Clydesdale are omitted, and while the Cartularies of the great abbeys confirm Mr. Skene's statement, the fact that they reveal nothing as to Douglasdale indicates a probability that it may have remained in possession of its native lords. Whether these descended from Celtic ancestors, it is of course impossible to say. In the inquest referred to as made by Prince David, the elders and wise men of Cumbria

[1] Registrum Episcopatus Glasguensis, vol. i. pp. 3, 4.

[2] Celtic Scotland, vol. i. p. 457.

[3] *Ibid.* vol. iii. pp. 25, 26.

informed him that the Church of Glasgow and its possessions had been destroyed by "diverse seditions and insurrections," which had also laid waste the country, and driven its inhabitants into exile, who had been replaced by tribes of differing nationality and religion.[1] From this it has been argued that the British inhabitants had to a great extent deserted the country, but though the chronicles record numerous invasions of Cumbria or Strathclyde,[2] yet it does not follow that no descendants of the Celts remained. Whether the family of Douglas were of Celtic parentage or not, they may have possessed Douglasdale in the time of King David the First, undisturbed by the influx of Saxon and Norman strangers whom that King delighted to honour.

Sir James Dalrymple, in his Collections concerning the Scottish history, takes this view. He refers to the fact that places were more ancient than the surnames derived from them, and instances the water and territory of Douglas as named in charters before any of the family are found on record. He concludes "that the family inhabiting the lands of Douglas was very ancient, albeit that sirname be not found so early as others; and that this being an ancient Scottish family, took the designation from their lands when sirnames were commonly used."[3] Sir James Dalrymple's assertion that the Douglases were an ancient Scottish family may be based partly on tradition, but on this subject of surnames a later writer gives similar testimony. Mr. Robertson in his "Early Kings" writes thus: "It was the charter and feudal

[1] Registrum Episcopatus Glasguensis, vol. i. p. 4.

[2] Celtic Scotland, vol. iii. p. 24. On the other hand, at the battle of the Standard in 1138, the second line of King David's battle array was composed of "Cumbrenses" and "Tevidalenses," whom Mr. Skene describes as "the Welsh population of Strathclyde" and the people of Teviotdale. Fordun, edition 1871, vol. i. p. 444; vol. ii. p. 425.

[3] Dalrymple's Collections, preface, pp. lxiii, lxiv. His references are to charters dated about 1160 or earlier, and before 1174.—Liber de Melros, vol. i. pp. 55, 58; Liber de Calchou, vol. i. p. 78.

tenure which gradually converted the native proprietory of *Scotia* into 'lairds of that ilk,' henceforth undistinguishable among the general feudal baronage." After a reference to various derivations of surnames, the writer proceeds—"From the frequent occurrence of an addition, such as Flandrensis, to the name of the first recipient of a charter, it may be assumed that in its absence, and where no distinct territorial surname is attached, the recipient was usually of native extraction, especially if in a well-affected district, the first holder by charter, but not necessarily the first of the race in Scotland." This is guarded by the statement that every territorial surname is not hastily to be assumed as denoting the presence of a foreign settler, "when in reality it is only the mark of tenure by charter."[1]

It may be objected in regard to the sudden appearance in history of the first recorded member of the family of Douglas, that if the Douglases were of ancient or of native lineage, they would have been mentioned at an earlier date in public records. But from the point of view here taken, the fact that William of Douglas, the first on record, is not named earlier than between 1174 and 1199, may imply not that he was a new settler, or a member of an emigrant family, but that he was simply the first of his family to receive a charter of the lands which his ancestors had held. This, of course, is open to the opposite objection that he was the first of his family to possess the lands at all, and the question of origin is left entirely untouched; but the theory that the family of Douglas were new settlers in Scotland, as Chalmers and others assert, must be modified by the possibility here suggested, that William of Douglas took his surname from his ancestral territory. The fact also that Brice Douglas, son of William, was Prior of Lesmahagow before he became Bishop of Moray in 1203, argues an ancestry of some importance in that neighbourhood, such as could scarcely be gained by a new family. Even if, as alleged, Brice was

[1] Robertson's Scotland under her Early Kings, vol. ii. pp. 489, 490.

"in juvenilibus annis" when Prior, this would seem to imply very considerable influence with the ecclesiastical dignitaries of the locality.

A similar instance of a sudden appearance in history of the head of a powerful family, which for a time was more notable even than the Douglases, is furnished by the case of the ancient Lords of Galloway. On this point the words of Mr. Skene are worthy of attention. He states, on the authority of Fordun and other historians, that after the death of King David the First in 1153, the succession of his grandson Malcolm to the throne was viewed with dislike by the entire Gaelic population of the country, and was soon followed by the open revolt of the great Gaelic districts of Moray, Argyll, and Galloway. The two latter districts are found starting into life under the rule of two native princes—Somerled of Argyll, and Fergus, Prince of Galloway—while no hint is given of the parentage of either. The writer's explanation of this fact is that the Norwegians had long held both districts, their expulsion by the native population had only recently taken place, and that "owing to the long possession of the country by the Norwegians, all trace of the parentage of the native leaders under whom they (the men of Argyll and Galloway) had risen, had disappeared from the annals of the country, and they were viewed as the founders of a new race of native lords."[1]

If, therefore, the ancestry of the princes of Argyll and Galloway could be forgotten, and Somerled and Fergus be accepted by historians as new men, much more easily might the origin of the family of Douglas be lost sight of, and the first of the name who appears on record be hailed as the first of his race in Scotland, whether he was so or not.

SUGGESTED NORTHUMBRIAN ORIGIN.

The late well-known antiquarian and peerage lawyer, Mr. Riddell, while combating the view taken by Chalmers of the Douglas origin by descent

[1] Celtic Scotland, vol. i. pp. 468, 469; cf. Fordun, edition 1872, vol. ii. pp. 430, 431.

from Theobald the Fleming, and expressing his belief that from its antiquity and other circumstances, no further light would be thrown upon the subject, especially in Scotland, remarks that the Douglases were also a Northumbrian family, and that this fact has been somewhat overlooked.[1] But beyond the fact that for several generations the family of Douglas possessed the manor of Fawdon and other lands in Northumberland, the circumstances connected with which will be considered in the Memoirs, and that other persons denominated "de Duglas," servants of the head of the house, are found in that district, the suggestion affords no assistance whatever to the elucidation of the question of origin.

The whole evidence, so far as has been discovered, on one side or other, bearing on the origin of the Douglases and the various theories regarding that origin, has now been collected and compared. It must be admitted that the matter stands now very much as it did in the days of Wyntown, and "syndry men" will still speak "syndryly." William of Douglas may have been of native lineage; his ancestors may have possessed Douglasdale, and he may have been the first to take his name from that territory, as holding it by a new charter. He may have been a native Moravian, and for his loyalty have received as a reward the Valley of Douglas, when the country became more settled after the defeat of Donald Bane and other insurgents.[2]

It is not proved that William of Douglas was a Fleming, though the only authentic evidence regarding his personal history tends to connect him, by

[1] Remarks upon Scotch Peerage Law, 1833, p. 175.

[2] In connection with this, it is impossible not to echo Mr. Robertson's regret as to the loss of "the Roll, in twelve parts, of recognitions and old charters in the time of William and his son Alexander, and of those to whom the said kings formerly gave their peace, and of those who stood with MacWilliam."—[Scotland under her Early Kings, vol. i. p. 393, note; Acts of the Parliaments of Scotland, vol. i. p. 114.]

the ties either of marriage or of blood, with a family of reputed Flemish origin, unless Freskin of Kerdal be held to be a native of Moray. That Freskin of Kerdal and William of Douglas were brothers cannot be decided on the evidence now extant. If, on the other alternative, they were brothers-in-law, their alliance may have arisen from the fact that they were both natives of Moray. Or, assuming that Freskin was of the Moravia family and William a southern, their connection may be accounted for by the fact that, until 1198, the Douglases held the lands of Hailes in Midlothian, and were thus neighbours of the Freskins in Strabrock in West Lothian. It is not known whether the Freskins all resided in Morayshire, though they held lands there. William, the second son of Freskin, is the only one of his family who is named as living in Moray before 1194.

William of Douglas was evidently in possession of the territory from which he derived his surname previous to the year 1199, or some time between that and 1174. If he was a native of Moray, he probably transferred his residence to the south, as he is never recorded as being in Moray, and none of his family are named as being there before the time of Bishop Brice. The possession of Hailes by Archibald Douglas, the eldest son of William, before 1198, and the ecclesiastical rank held by his brother Brice of Prior of Lesmahagow, so near to Douglasdale, certainly suggest a continued residence in the south, if not an ancestral establishment there. On the other hand, tradition associates the first Douglas with the rising of Donald Bane, a historical event proved to have taken place in Morayshire. William of Douglas lived contemporaneously with that event, was related to a Morayshire baron, and may have resided in the south only after a possible grant of the lands of Douglas. His domicile of origin, therefore, cannot be definitely fixed.

It only remains to sum up what appears to be actually proved as to the first member of the Douglas family, though the question of origin, it is to be

feared, must remain in obscurity. The evidence adduced is to the effect that William of Douglas, father of Archibald and Brice of Douglas and their brothers, was a near relation of Freskin of Kerdal, a laird in Moray; that the cognisance of the Douglases, three stars in chief, was similar to that borne by a descendant of Freskin of Kerdal; that the Douglases and the Freskins (afterwards the family of Moray) were at an early period neighbouring proprietors in the south of Scotland, and that the two families were also in Morayshire together; and, further, that the traditional ancestor of the family of Douglas is asserted to have fought against Donald Bane, while the first historical Douglas was actually contemporary with the rebel of that name, who was slain in Morayshire.

With these preliminary remarks on the much discussed subject of the origin of the Douglas family, we now proceed with the detailed Memoirs of the successive Barons of Douglas.

I.—WILLIAM OF DOUGLAS.

THE FIRST KNOWN OF THE DOUGLAS FAMILY.

Circa 1174—*circa* 1214.

WILLIAM OF DOUGLAS, who flourished in the reign of King William the Lion (1165-1214), is the first owner of Douglas or Douglasdale, in the parish of Douglas and county of Lanark, known to authentic history. He is likewise the earliest known ancestor of the illustrious race of Douglas. His parentage remains hidden in obscurity, the single clue which promises any unfolding of the mystery being contained in a charter by one of his younger sons, Brice of Douglas, Bishop of Moray, in which he refers to Freskin of Kerdal as his uncle.[1] The term used by Bishop Brice is "avunculus," which favours the view that the relationship was only created by intermarriage of the two families, but affords no conclusive evidence, as "avunculus" is frequently used in charters of ancient date to denote a father's brother, as well as the more definite term "patruus."

Nor does the designation "of Douglas" afford any assistance in elucidating this question, for William himself is the earliest known possessor of the lands of Douglas, and he may either have inherited the lands from his father, or acquired them in his own person by grant from King William the Lion. The latter, indeed, is quite probable, for, as has already been shown, the early tradition of the sudden rise of the Douglas family into political

[1] Registrum Moraviense, p. 61. It is noteworthy that Freskin, the ancestor of the great family of De Moravia, is only known by a similar single allusion to him in a charter granted to his son William.—[Nisbet's Heraldry, ed. 1804, vol. ii. App. p. 183.]

importance finds its only consistent fulfilment in the subject of this memoir. William of Douglas may have taken a prominent part in quelling the insurrection of Macwilliam or Donald Bane, which took place in his time, and been rewarded for his services with a grant of the lands of Douglasdale. These lands, it is true, are not, prior to this date, mentioned as in the occupancy either of the Crown or of any of the great monasteries who owned large portions of adjoining baronies, but the want of evidence does not exclude the possibility of their being at the disposal of the Crown, and of their bestowal at this time upon William of Douglas. Indeed, this view is in no small degree favoured by the fact that it is only after the date of the insurrection of Donald Bane that Douglas appears at Court, and in possession of the Douglas lands. Of the early charters of the Douglas family which were in existence in 1288,[1] no trace can now be found, the probability being that they were destroyed during the wars of succession. No monastic record contains any grant of the Douglas lands.

It is certain that the lands of Douglas were in the possession of William of Douglas before the year 1198, as he is mentioned under the designation "Will de Dufglas," as one of the witnesses to a charter by Joceline, Bishop of Glasgow, granted between 1174 and 1199.[2] Godscroft puts forward the theory that it was the earliest known ancestor of the Douglas family—his fabulous Sholto—who gave name to the lands of Douglas, but this theory can no longer be entertained. Considerably before the appearance of the first ancestor of the Douglas family on authentic record, there is mention in charters granted prior to the year 1160 of a water "de Duglax," as well as of a "territorium de Duglas," adjacent thereto, in the county of Lanark,[3] and to such a district reference is made by Walter Fitz Alan, High Steward to King William the Lion, before 1177, as one of the boundaries of his forest of Mauchline, the pasture of which he granted to the monastery of Melrose.[4]

[1] Liber de Calchou, p. 168. [2] *Ibid.* p. 346. [3] *Ibid.* pp. 78, 82, 84. [4] Liber de Melros, vol. i. p. 55.

There is thus no reason to doubt that the designation "of Douglas," in accordance with general custom and as the particle "de" itself denotes, was derived from the lands in Lanarkshire which bear that name, and which, as shown in another part of this work, were the first known possessions of the family.

From an agreement respecting the lands of Hailes made by Archibald, the eldest son of William of Douglas, before the year 1198,[1] when the former, it may be presumed, was of mature age, the inference may be drawn that William of Douglas was born towards the close of the reign of King David the First, who died in 1153. Godscroft relates, and it is the only thing he has to place on record concerning the subject of this memoir, that under the designation "Gulielmus de Douglas," he witnessed a charter granted by King David the First to the town of Ayr in the year 1151. But this alleged grant by King David the First is unknown to any other historian, and King William the Lion was the first Scottish sovereign who conferred grants upon Ayr, and raised it to the rank of a royal burgh. Godscroft does not say he saw the charter, and he may possibly have confused the reign of King David the First with that of King David the Second. The latter sovereign certainly granted charters to the burgh of Ayr, and to at least one of these William of Douglas, the first Earl of Douglas, was a witness.[2]

Between 1187, when Donald Bane's rebellion was suppressed, and the year 1214, William of Douglas appears frequently on the page of authentic record as a witness to charters, etc. On more than one occasion he is found attending at the Court of King William the Lion. About the year 1200 he attested the confirmation by that monarch of a gift of land and pasturage in Dalgarnoc to the Canons of the Church of Holyrood, at Edinburgh,[3] and

[1] Registrum de Dunfermelyn, p. 190.

[2] Wigton and Ayr Collections, Charters of the Royal Burgh of Ayr, p. 9.

[3] Liber Cartarum Sancte Crucis, p. 44.

again in 1213 at the same place, he attested an agreement which terminated a dispute between two brothers for the possession of the earldom of Menteith.[1] On this occasion the controversy came before the king himself for decision, and among the witnesses with William of Douglas was Prince Alexander, afterwards King Alexander the Second, as well as many of the principal nobles and barons of the kingdom.

On two occasions William of Douglas witnessed charters by his neighbour Thomas, son of Tancard. The first of these, to the granter's sister, Beatrice, gave to her, on her marriage to John Logan, a carucate or ploughgate of land.[2] By the other writ the granter conveyed to the monastery of Arbroath all the land between Ethkar and Kaledouer, which King Malcolm had given to his father Tancard.[3] The other witnesses to these charters were distinguished courtiers, such as William de Bosco, who afterwards became Chancellor of Scotland, Hugh de Prebenda, John de Graham, Michael de Wemyss, and others. This points to the fact that even in the time of their first known ancestor the family of Douglas attained a prominent position as the owners of an extensive territory, and probably also as eminent in arms.

William of Douglas had six sons, and also, it is said, one daughter.

1. Archibald of Douglas, who succeeded his father in the Douglas estates, and of whom a memoir follows.
2. Brice of Douglas, who became Bishop of Moray. Of him also a short memoir is given, after the memoir of his elder brother Archibald.
3. Alexander of Douglas, who appears first as a Canon of Spynie, often in company with his brother Henry, as a witness to charters by his brother, Brice, Bishop of Moray.[4] In a grant by

[1] The Red Book of Menteith, by William Fraser, vol. i. p. 7; vol. ii. pp. 214, 215.

[2] Nisbet's Heraldry, vol. ii. Appendix, p. 146.

[3] Registrum Vetus de Aberbrothoc, p. 69.

[4] Registrum Moraviense, pp. 61, 62, 251; Registrum Vetus de Aberbrothoc, pp. 142, 144.

Bishop Brice to Hugh of Moray, Lord of Duffus, three of the brothers are among the witnesses, "Archibaldo de Douglas, Alexandro et Henrico, Canonicis de Spyny, fratribus nostris."[1] Alexander is also mentioned as a Canon of Spynie in the charter of William, son of William Freskin, to the Church of the Holy Trinity of Spynie and College of Canons there, granting them the Church of Artendol or Arndilly, in which all the six brothers appear as witnesses.[2] He witnessed the charter granted to the Monks of Kelso by the Princess Margaret, after her marriage with Sir Eustace de Vescy, and is there designated brother of Brice, Bishop of Moray.[3]

Between the years 1225 and 1232, the name of Alexander Douglas frequently appears in charters with the designation "Sheriff of Elgin."[4] The editor of the Cartulary of Moray, in a footnote to his preface to that work, refers to the fact as an instance of several ambiguities which presented themselves in the original Register. The word rendered Sheriff in one case is given almost in full (vicecomit̃), in two others, somewhat more abbreviated (vicec̃), but still plainly indicating "Vicecomes," while in no less than ten it is represented merely by "vic̃." This last, the editor points out, may either mean *vicecomes* or *vicarius*, and in one instance he has rendered it "Alexandro, vicario de Elgyñ."[5]

But that Alexander of Douglas was connected with the church appears evident from an agreement made in 1237 between Andrew, Bishop of Moray, and the Hospital, called the House of God (Domus Dei, and more recently Maison Dieu) at

[1] Registrum Moraviense, p. 274.
[2] *Ibid.* p. 17.
[3] Liber de Calchou, p. 174.
[4] Registrum Moraviense, pp. 21, 23, 25, 26, 30, 69, 111, 112, 132.
[5] *Ibid.* p. 78.

Elgin, of which Alexander seems to have been superior.[1] The document narrates that a dispute had arisen between the Bishop and the brethren and sisters in the hospital, respecting certain lands to which both parties laid claim, and that the controversy was settled by an exchange of lands, the Hospital receiving the disputed lands of Munben (Mulben), and the Bishop of Moray getting the land of Kelleys, which had been given by King Alexander the Second to Alexander of Douglas and the Hospital.

4. Henry of Douglas, who, like his brother Alexander, was a Canon of Spynie, and as such witnessed charters by his brother the Bishop.[2] Both Henry and Hugh were clerks to their brother Brice during his episcopate,[3] and Henry of Douglas was clerk to Brice's successor, Andrew, Bishop of Moray, so late as 1239.[4] Henry seems to have been frequently in company with his brother Alexander who, when merely designed "Alexandro, vicecomite de Elgin," is certified to be a Douglas by the name of the following witness, "Henrico de Douglas, fratre ejus."[5]

5. Hugh of Douglas, who, like his two brothers, Alexander and Henry, was also a Canon of the College of Spynie. After the death of Brice he seems to have been appointed Archdeacon of Moray, and as such subscribed and witnessed several deeds by Bishop Andrew.[6] He died, or was promoted, before 1238, as the Archdeaconate was then in the person of another.[7]

6. Freskin of Douglas, who may have received his peculiar Christian name in honour of his uncle Freskin of Kerdal. He first

[1] Registrum Moraviense, p. 33.
[2] *Ibid.* pp. 17, 274.
[3] Registrum Vetus de Aberbrothoc, pp. 52, 130, 133.
[4] Registrum Moraviense, p. 36.
[5] *Ibid.* pp. 23, 25, 69, 132.
[6] *Ibid.* pp. 69, 71, 75, 77, 78.
[7] *Ibid.* p. 105.

appears, under the designation of "Fretheskiñ persona de Dufgles," as one of the witnesses to a charter by Bishop Brice, granting the church and parsonage of Birnie to the monks of Kelso, two other witnesses being Alexander and Henry, his brothers.[1] From being parson of Douglas, he appears to have been promoted by his brother, the Bishop of Moray, to be Dean of that See; and he also held that office under his brother's successor, Bishop Andrew.[2] He co-operated with his brother in the changes the latter instituted in his See, and, along with the Chancellor, paid a visit to Lincoln to ascertain in person from the Dean and Chapter there the customs of that place for guidance in their own diocese.[3] Dean Freskin of Douglas appears to have died before the month of September 1232.[4]

Margaret, who is said to have married Hervey Keith, ancestor of the Keiths Marischals of Scotland.[5]

[1] Liber de Calchou, vol. ii. p. 297.

[2] Registrum Moraviense, pp. 17, 66, 67, 70, 71, 73, 76, 77.

[3] *Ibid.* p. 44.

[4] Registrum Moraviense, p. 89.

[5] Nisbet's Heraldry, edition 1804, vol. ii. Appendix, p. 3.

II.—SIR ARCHIBALD OF DOUGLAS, KNIGHT.

Circa 1213—*circa* 1240.

THE affiliation of Archibald of Douglas, the second known owner of Douglas, to William of Douglas, is well authenticated by charter evidence. On several occasions he attested charters in company with his father, such as the gift by Thomas, son of Tancard, to his sister, and the agreement made at the Court of King William the Lion in 1213 between the two rival Earls of Menteith.

During his father's lifetime Archibald of Douglas appears for some time to have possessed the lands of Hailes in the county of Midlothian. They were held from the Abbot and Monastery of Dunfermline, but prior to 1198, with consent of his friends, Archibald of Douglas resigned the lands, along with their writs, into the hands of the Abbot in return for a sum of money received from Thomas, son of Edward of Lestalric (Restalrig), to whom the lands were afterwards assigned. In this charter Archibald of Douglas is designated son of W. de Duglas.[1]

Between the years 1214 and 1226, and under the same designation, Archibald of Douglas received a grant from Malcolm, Earl of Fife, of his whole land of Livingston, and his whole land of Herdmanston. These lands, situated respectively in East and West Lothian, and formerly possessed by William of Kilmaron, were to be held by Archibald of Douglas, and his heirs, of the Earls of Fife, in fee and heritage, as freely as any knight in the whole realm of Scotland held his fee of Earl or Baron, for half a knight's

[1] Registrum de Dunfermelyn, p. 190.

service. Freskin of Douglas, Dean of Moray, brother of Archibald of Douglas, was a witness to this charter, which was subsequently confirmed by King Alexander the Second at Stirling.[1]

Shortly after the above grant Archibald of Douglas had received the dignity of knighthood. Under the designation "Domino Archebaldo de Dufglas," he was witness to a charter by William Purves of Mospennoc, granting to the monks of Melrose, for the sum of twenty shillings sterling, the right to pass through his lands of Mospennoc. Another witness to this charter was Andrew, knight, or man-at-arms of Archibald of Douglas,[2] and the fact of his being attended by his own knight shows the influential position which he had acquired.

Other charters attested by Sir Archibald of Douglas were a confirmation by Joceline, Bishop of Glasgow, of a grant by Ranulf de Hadintun to the monastery of Melrose;[3] and several charters by his brother Brice, Bishop of Moray.[4] From his presence in Morayshire at different periods it is not improbable that he may have frequently resided there with his brother. Even after the death of the latter, he is found in that district attesting an agreement by the succeeding Bishop of Moray, in which a note of his relationship to Bishop Brice is preserved in the designation, "frater quondam Bricii Episcopi."[5] In July 1238, at Selkirk, he was present when King Alexander the Second granted the earldom of Lennox to Maldouen, son of Alwyn, Earl of Lennox.[6] Later, he witnessed a charter by Amelec, the brother of Earl Maldouen;[7] while probably in the year following, under the designation "Henkelbaldo de Duglas," he attested the grant of lands in Crawford, made by David de Lindsay to the monks of Newbattle Abbey.[8]

[1] Registrum Honoris de Morton, vol. i. pp. xxxiii, xxxiv.

[2] Liber de Melros, vol. i. p. 214.

[3] *Ibid.* p. 37.

[4] Registrum Moraviense, pp. 17, 274.

[5] *Ibid.* p. 81.

[6] Cartularium Comitatus de Leuenax, p. 1.

[7] Registrum Monasterii de Passelet, p. 209.

[8] Registrum de Neubotle, p. 105.

Sir Archibald of Douglas is said to have married Margaret, elder daughter of Sir John Crawford of Crawford-John.[1] He had two sons.

1. Sir William, who succeeded his father in the Douglas estates.
2. Sir Andrew of Douglas, from whom the family of Douglas of Dalkeith, afterwards Earls of Morton, claim to be descended. He appears to have obtained the lands of Herdmanston from his father, and afterwards to have bestowed them on his own son William.[2] Sir Andrew of Douglas witnessed several charters in company with his brother Sir William,[3] and in 1259 he was present at Edinburgh Castle at the completion of the marriage contract between his nephew, Hugh of Douglas, and Marjory of Abernethy.[4]

[1] Upper Ward of Lanarkshire, vol. ii. p. 60.

[2] Registrum Honoris de Morton, vol. ii. p. 8.

[3] The Red Book of Menteith, by William Fraser, vol. ii. pp. 209, 211; Registrum de Dunfermelyn, p. 97.

[4] Vol. iii. of this work, p. 2.

BRICE OF DOUGLAS, BISHOP OF MORAY,

YOUNGER SON OF WILLIAM OF DOUGLAS, FIRST OF DOUGLAS.

1203—1222.

TO the house of Douglas the distinction may be said to be peculiar, that no sooner does it appear in history than it is found boldly stretching forth towards the attainment of high eminence alike in Church and State. Brice of Douglas, a younger son of William of Douglas, the first known possessor of the Vale of Douglas, was exalted to the dignity of Bishop of Moray, and afterwards to the honour of canonisation.

Bricius or Brice of Douglas has his parentage authenticated by a charter attested by Archibald, the eldest son of William of Douglas, as Archibald is therein called the brother of Bishop Brice.[1] At first he appears as Prior of the Convent of Lesmahagow, a cell of the great Monastery of Kelso. The barony of Lesmahagow was one of the gifts bestowed by King David the First upon his own foundation of Kelso, and he signalised this grant by bestowing upon the cell the privilege of sanctuary for any who in peril of life or limb sought its shelter, or came within the four crosses which enclosed it. To such the king granted his firm peace.[2] So important a dependency of Kelso was Lesmahagow in the earlier days of its history, that its Priors sometimes became Abbots of Kelso.[3] The exact date at which Brice of Douglas became Prior of Lesmahagow has not been ascertained, but it may be assumed he retained the dignity until the year 1203, when he was elevated to the See of Moray. That bishopric had just become vacant by the

[1] Registrum Moraviense, p. 81. [2] Liber de Calchou, vol. i. p. 9. [3] *Ibid.* p. ix.

death of Richard, clerk or chaplain to King William the Lion. During the episcopate of Bishop Richard several charters are attested by one called Brice, Dean of Moray, suggesting that Brice of Douglas held that office between the date of his being Prior of Lesmahagow and Bishop of Moray, or that he held both at one and the same time. But this is scarcely probable. The historians who record the death of Bishop Richard and the succession of Brice of Douglas, do so in such a manner as to convey the impression that he was only Prior of Lesmahagow at the time of his election to the See of Moray.[1]

The diocese of Moray extended at this time as far eastward as Rhynie, and to the west as far as Abertarf, embracing not only the counties of Elgin and Forres, or Moray proper, but also Nairn, and a considerable portion of the counties of Inverness, Banff, and Aberdeen.[2] To what cause Brice of Douglas owed his elevation to the ecclesiastical oversight of this great district it is not easy to say. His father's military services, or his kinship to the leading family of Moray, or his own talents, may have assisted in obtaining for him this distinction. He is said to have embraced the monastic life from tender years, and so remarkably acquired a knowledge of divine literature that he was deemed fit, while still a youth, to occupy the position of Prior in the famed Convent (Coenobii) of Lesmahagow. He was also author of a work upon "The Sentences."[3]

The charter of King William the Lion presenting Brice of Douglas to the See of Moray, is dated at Arbroath, 24th August, probably in the year 1203. In that document the king granted to Bishop Brice and his successors in the episcopate, the churches of Elgin and Eren (Auldearn, in Moray), with all their

[1] "Anno m.cc.iij . . . obiit Ricardus, episcopus de Moravia, cui successit dompnus Bricius, prior de Lesmahagu."—[Chronica de Mailros, p. 105; Fordun, à Goodall, vol. i. p. 518.]

[2] Shaw's History of Moray, Gordon's edition, vol. iii. p. 275.

[3] Dempster's Historia Ecclesiastica (Bannatyne Club), vol. i. p. 102.

dependent chapels and lands, reserving only in the former the tenure of one of his own chaplains.[1]

Soon after his promotion to the See, Bishop Brice took steps to obtain a permanent site for the episcopal seat. Previous to his time each Bishop had, according to his own pleasure, chosen one of the three churches of Birnie, Spynie, or Kenedor (Kingedward); but wishing to localise his residence, and probably with the intention of erecting a cathedral church, Bishop Brice fixed upon Spynie, as it appeared to him the most convenient site, and petitioned the Papal See to erect that church into a cathedral. Before granting this prayer, Pope Innocent Third remitted the matter to the bishops of St. Andrews and Brechin, who, with the Abbot of Lindores, were commissioned, if they saw fit, to grant the necessary permission.[2] Bishop Brice's desire was ultimately accorded: Spynie became the Cathedral Church, and in connection with its erection, a college of eight Canons was founded, on the plan of the cathedral and college attached to the diocese of Lincoln in England. At the making of his charter of foundation, the Bishop assembled many churchmen from various parts of the country, not a few of whom subscribed their names to the deed. Among the latter were Ralph, Abbot of Kinloss, Richard, Prior of Urquhart, Gilbert, Abbot of Arbroath, and Richard, Abbot of Kelso, the two last named being attended by the common councils of their Convents.[3] This foundation was ratified by Pope Innocent Third about the year 1214.[4]

Spynie, however, did not respond to the Bishop's expectations, and he cast about for another site. This was found at Elgin, where, in the time of his successor, the cathedral was built, which continued to be the Episcopal seat until the Reformation, and where its ruins still form a prominent object of

[1] Registrum Moraviense, p. 13.

[2] This reference by Pope Innocent Third is dated from St. Peter's at Rome, 7th April 1207.—[Registrum Moraviense, p. 39.]

[3] *Ibid.* p. 40.

[4] *Ibid.* p. 44.

interest. But although Bishop Andrew was the builder of the church, its establishment on its present site was due to Bishop Brice, who, while at Rome attending the Lateran Council in the year 1215, personally importuned the Pope for his consent to this arrangement. In a letter to Bishop Andrew, dated from Rome, 10th April 1224, after the death of Bishop Brice, Pope Honorius III. thus refers to the matter:—

"Coming to our presence our venerable brother, the Bishop of Moray, often explained to us, and frequently in our hearing, insisted that his seat stood in a situation not only somewhat unsafe in the event of war, but also so solitary that nothing could be found for sale, in consequence of which the clergy had to make long journies to purchase the necessaries of life, to the no small hindrance of their ecclesiastical duties: Wherefore the said Bishop, with many pressing petitions, entreated us to sanction the transference of the seat to a more convenient place, to wit, the Church of the Holy Trinity, near Elgin, which the Bishop asserts is also desired by the King of Scotland,[1] and the Chapter of Moray."[2]

During the episcopate of Brice of Douglas, a controversy arose between him, King William the Lion, and Gilchrist Earl of Mar, respecting the patronage of the church of Aberkirdor, each of the three parties laying claim to it. The difficulty was solved by each making over his claim to the Monastery of Arbroath.[3] The Bishop in addition granted a davoch of land belonging to the church in question,[4] and to the same Monastery he confirmed the grant of the church of Inverness, made at the request of King William, by his predecessor, Bishop Richard.[5]

In another controversy, which took place a few years after his elevation to the See of Moray, the Bishop was assigned by the Pope the part of peace-maker. Patrick Earl of Dunbar had violently occupied some pasturage

[1] King Alexander the Second sanctioned the transference as a most desirable change. His mandate is dated at Musselburgh on 5th July 1224.—[Registrum Moraviense, p. 19.]

[2] Registrum Moraviense, p. 63.

[3] Registrum Vetus de Aberbrothoc, pp. 25, 142.

[4] *Ibid.* p. 144.

[5] *Ibid.* p. 141.

belonging to the Cistercian Monks of Melrose, for which offence he was summoned to appear before an ecclesiastical court. Disregarding the summons, the Earl was adjudged guilty of contumacy, and the court fulminated an interdict against his lands. This had the effect of causing the Earl to enter appearance, only, however, to decline the court's jurisdiction in the matter, and this plea failing, to reclaim against his judges, who were the Earl's own Bishop, and some others. On his submission the interdict had been removed. He afterwards appealed the whole matter to the Pope, requesting an examination into his grounds of complaint. This was made, and the Pope finding them too well founded, referred the settlement of the dispute to Brice, Bishop of Moray. The Bishop took effectual means to bring the matter to a satisfactory issue, and set up his tribunal in the Royal Court at Selkirk, where King William himself, and Prince Alexander, with the more powerful courtiers and clergy, acted as assessors. The result was that Earl Patrick was obliged to cede the disputed pasturage to the monks in free and perpetual alms, and free from all service or custom. The subject of dispute was a field called Sorulesfield, on the west side of the river Leader, towards the grange of the Monks of Melrose, and formerly held by William Sorules.

An attestation by Bishop Brice of Douglas, narrating the mandate by Pope Innocent III., to him, to moderate in the case, with other relative documents, is preserved in the Melrose collection of charters, belonging to His Grace the Duke of Buccleuch. To that attestation is still appended the episcopal seal of Bishop Brice, in a remarkable state of preservation, considering that it must date from the commencement of the thirteenth century. Small portions at the top and bottom are broken off, but these fortunately can be supplied from an engraving, executed for the Cartulary of Moray, and drawn from this and seals appended to other documents by the Bishop, in the Melrose and Coldingham collections.[1] The seal is of the usual oval shape,

[1] Registrum Moraviense, printed in 1837 for the Bannatyne Club, Plate I. Fig. 1.

and shows a profile figure of the Bishop in his canonical robes, his right hand raised in the act of benediction, and his left holding the crozier. Around the figure is the inscription—

BRICIVS : DEI : GRACIA : MORAVIENSIS : EPISCOPVS.

On the back is an oval counterseal with the representation, in an antique gem, apparently of Minerva, holding a sword in her right hand, while her left rests upon a shield. The gem is surrounded by the legend—

AVE : MARIA : GRACIA : PLENA.



The attestation of Bishop Brice possesses the additional peculiarity of being one of a few documents on record in which the sovereign himself appears as a witness. Along with King William, his son Prince Alexander,

his brother David Earl of Huntingdon, the king's son Robert of London (or Lundin), and most of the chief courtiers, sanctioned the insertion of their names. So did they likewise to a separate agreement between Earl Patrick and the monks of Melrose, which is witnessed by Bishop Brice, and confirmed by the appending of his seal (now in a fragmentary condition), along with the seals of the Earl, and Henry, Abbot of Kelso. King William confirmed this agreement, and Bishop Brice is the first named witness, while he also attests the charter of the land granted by Earl Patrick to the monks of Melrose, which was likewise confirmed by the king.[1]

Bishop Brice, with his brothers Henry and Alexander, witnessed a charter by the Princess Margaret, wife of Sir Eustace de Vescy, granting to the monks of Kelso twenty shillings annually from her mill of Sprouston.[2] These two brothers, along with another, Hugh, he appointed canons of Spynie, while a fourth, Freskin, obtained the high office of Dean.

At the request of his uncle, Freskin of Kerdal, Bishop Brice devoted the tithes of the church of Deveth (Daviot), of which his uncle was patron, to maintain the fabric of the Cathedral Church of Spynie.[3]

Several of the additions made to the See of Moray during the episcopate of Bishop Brice may be enumerated. From Gilbert of Kathern (Strathern ?) he received the church of Kingussie, along with the chapel of Banchory;[4] from various laymen he had the churches of Dulbatelach, Keith, and Edindivach;[5] from King Alexander the Second he obtained the rent and service due to the Crown from the land of Kethmalrus in exchange for the land at Invernairn (Nairn), which King William had taken from the bishop in order to build upon it the castle and town of Nairn;[6] while from

[1] Liber de Melros, vol. i. pp. 87-95; Acts of the Parliaments of Scotland, vol. i. pp. 390-392.

[2] Liber de Calchou, p. 174.

[3] Registrum Moraviense, p. 61.

[4] *Ibid.* p. 14.

[5] *Ibid.* p. 16.

[6] *Ibid.* p. 18.

Malcolm Earl of Fife came a grant of the church of Inveraven, with a davoch of land attached thereto.[1] The only charter granted by him of the church lands of Moray, to which reference need be made, is one in which the Bishop, with the consent of the whole Synod of the church of Moray, bestowed upon the Monastery of Kelso the important church of Birnie.[2]

In the early and troubled years of the reign of King Alexander the Second, when the English barons and nation, with Scotland also for assisting them in their opposition to King John and the Pope, were laid under Papal interdict by Gualo, the Roman legate, Bishop Brice appears to have subjected himself to ecclesiastical discipline, and to have been excommunicated. What the precise reasons for this procedure were do not clearly appear. In his letter of remission Pope Honorius Third says the Bishop had offended him and the Roman Church in many things, one of which was that, after the interdict had been proclaimed, he personally troubled the Pope. Another charge was that, also after the promulgation of the interdict, he had performed divine service. This the Bishop wholly denied, but did not thereby remove the suspicions of the sovereign Pontiff, who, however, on his humbly expressing contrition, absolved him from censure, and commanded the inhabitants of Moray to receive and obey him again as the bishop and pastor of their souls in things pertaining to the Lord. This absolution was granted on 5th November 1218.[3]

Only a few weeks later, on the 30th of January, the same Pope issued a mandate to the abbots of Cupar, Scone, and Dunfermline, appointing them judges to inquire into the truth of certain grave charges against the life and morals of the Bishop, preferred by his own archdeacon and chancellor. These charges were, that seeking only milk and wool from the flock committed to him, he extorted sometimes the eighth and sometimes the third part of their

[1] Registrum Moraviense, p. 58. [2] Liber de Calchou, p. 296.
[3] Theiner's Vetera Monumenta, p. 6, No. XIV.

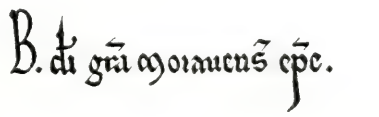
(the complainers') rents at his pleasure, besides demanding money in name of procuratory, although he did not discharge the office of visiting their churches, while he not only received, but exacted money from those to be ordained; that he dissipated in meat and drink the money collected, consuming it with wenches, by keeping company with whom he was evil spoken of; that he dissolved lawful marriages for money, and tolerated those that are illegal, overlooking the sins of his subjects, not because they were penitent, but for money; all which he did, notwithstanding frequent brotherly admonitions from the complainers to reform his way of living.[1]

Nothing further is recorded as to this fama against the bishop. He continued in his office until his death in the year 1222.[2] He is said to have been buried at Spynie. After his death he was canonised, and received a place in the Scottish Calendar of Saints, his day being the 13th of November, although in Dempster's Menologium Scoticum it is erroneously placed under 12th August, and the following note inserted:—

"Chanriae seu Canonicae beati Brixii, qui prior in Lesmahago Moraviae episcopus renuntiatus sanctissime vixit."[3]

He is referred to in a charter dated in 1313, by one of the friars of the monastery of Arbroath, as St. Brice, bishop and confessor.[4]

[1] Theiner's Vetera Monumenta, p. 9.
[2] Registrum Moraviense, p. 359.
[3] Forbes's Kalendars of Scottish Saints, p. 208.
[4] Registrum Vetus de Aberbrothoc, p. 292.



III.—SIR WILLIAM OF DOUGLAS, SURNAMED LONGLEG.

CONSTANCE, HIS WIFE.

Circa 1240—1276.

ALTHOUGH no charter evidence appears to have survived to furnish strict legal proof that Sir William of Douglas was the son of Sir Archibald, the fact that soon after the latter disappears from record, Sir William is found in possession of the Douglas lands, and occupying the prominent position due to the head of such a house, leads to the conclusion that the presumed relationship had really existed. Sir William was probably born about the year 1200, as in a plea before an English court in the year 1267, afterwards to be referred to, he stated that he was above age for a duel, *i.e.* above sixty. He is said to have been "of tall and goodly stature," which procured for him the soubriquet of "Longleg."[1] The earliest record of him is as a witness to a charter by Maldouen Earl of Lennox, at Fintry, on 2d March 1238-9, in company with Sir David of Lindsay, Justiciar of Lothian, Sir William of Lindsay, Sir Alexander Comyn, Sir David Comyn, Sir David de Graham, and others.[2] Two years later King Alexander the Second was at Lanark, and there confirmed a charter of the land of Little Kype to the Priory of Lesmahagow, and to this charter Sir William was also a witness.[3] He is named in public records during the latter part of the reign of King Alexander the Second, and through the most stirring period of that of King Alexander the Third.

The death of King Alexander the Second in 1249, while his son and

[1] Hume of Godscroft's MS. History, at Hamilton Palace.

[2] Cartularium de Levenax, p. 31.

[3] Liber de Calchou, p. 151.

successor was a boy of only eight years of age, threw Scotland into a state of commotion. Previous to the death of the king, the relations of Scotland with England had been temporarily placed on a satisfactory footing, without any concessions to the unrighteous pretensions of King Henry the Third to the vassalage of the Scottish Crown. But the sad event revived the hopes of the English king, and he forthwith laboured to accomplish by artifice and intrigue what he could not effect by force.

Five days after the death of King Alexander the Second the coronation of the young king took place. The proposal to crown the king was received with motions for delay from a part of the nobility, but by the skilful management of Walter Comyn, Earl of Menteith, all impediments were set aside, and the coronation proceeded. Walter Comyn was the leader of the patriotic or national party, who made it their business to counteract the machinations of Henry and his supporters. The objections are thought to have been put forward by Alan Durward, the Justiciar of Scotland, who was the recognised leader of a party in Scotland favourable to the pretensions of the English king. Although associated with the English party, Durward may really have been actuated by motives of personal ambition. He was married to Marjory, a natural daughter of King Alexander the Second, and appears to have been labouring at Rome for his wife's legitimation, whereby, in the event of the death of King Alexander the Third without issue, his wife might come to the throne. In exchange for Henry's aid, therefore, he may have been willing to sacrifice the independence of his country. It was on this very ground that Henry procured his banishment from the councils of the young king on the occasion of his marriage to the Princess Margaret of England, King Henry's daughter, at York, in 1251. Durward, however, only passed from the service of Alexander to that of Henry, and a few years later saw him reinstated with the principal men of his party on the council of the young king Alexander, while the national party was removed.

Sir William of Douglas appears to have thrown in his lot with the English party. He is mentioned as one of the magnates of Scotland present at the meeting between Kings Alexander and Henry at Roxburgh, on 20th September 1255, by whose advice the old guardians of the king were removed, and from among whom the new Council was selected.[1] Douglas, however, was not one of the new Councillors.

Most of the barons holding lands in the south of Scotland, including the Earls of Dunbar and Carrick, and Robert de Brus, identified themselves with the English party. This may account for Sir William Douglas being found in a similar position. A more probable reason, however, presents itself in the fact that he held lands in Northumberland; and as, by the arbitral decision of Cardinal Otho, papal legate, that county had, in 1242, been assigned to England, Douglas was placed in the delicate position of either losing his English lands by opposition to Henry, or joining the English party.

The chief possession held by Douglas on the English side of the Tweed was the manor of Fawdon, now situated in the parish of Ingram in Northumberland. He held it for half a knight's fee, of Gilbert of Umfraville, a young Border Baron, who also possessed the earldom of Angus in Scotland, which he inherited from his mother, Matilda, Countess of Angus. The lordship of Redesdale, in which the manor of Fawdon lay, had been a possession of the Umfravilles since the Conquest, and was held on the tenure that its owners should defend the lordship, valley, and forest of Redesdale from enemies and wolves, with the sword worn by King William the Conqueror when he entered Northumberland.[2]

In reference to the possession by William of Douglas of the manor of Fawdon, it has been suggested by Mr. Riddell that the Douglases were a Northumbrian family.[3] Foundation for this assertion was produced in the

[1] Acts of the Parliaments of Scotland, vol. i. p. 419.

[2] Hodgson's Northumberland, vol. iii. part II. pp. 3, 4, note.

[3] Remarks upon Scotch Peerage Law, 1833, p. 175, Appendix No. VI.

shape of an English record, which instructs that Douglas held Fawdon some time before the year 1267. But the statements in that record, to which reference will presently be made, warrant no conclusion as to the descent or origin of the Douglases, but simply that at a certain date they were in possession of lands in Northumberland. Whatever relations William of Douglas had to that county appear to have been personal to himself, and nothing whatever has been found in the very complete records of Northumberland to throw any light on the Douglas origin.

The record referred to by Mr. Riddell, which is also corroborated by other authorities, states that William of Douglas, on 13th October 1267, accused his overlord, Gilbert of Umfraville, Lord of Redesdale, of a series of offences against the person and property of the complainer. One charge was, that Umfraville, with his follower, John of Herlaw, falsely represented to Prince Edward at the siege of Alnwick, that Douglas was an enemy of the king. Umfraville had at the same time begged from the Prince a gift of Douglas's manor of Fawdon, which the Prince granted on the condition of its being proved that what Umfraville stated was true, and gave instructions for the seizure of the lands of Douglas pending inquiry. The investigation was made by a jury, who averred on oath that the accusation against Douglas was false; that he had never appeared in arms against the King or Prince of England, nor committed any offence for which he ought to be dispossessed. Upon this decision the king and his son commanded Douglas to be reinstated in Fawdon.

The mandate had been obeyed and Douglas replaced in possession, but according to his own account, he had not been many days in the manor, when Umfraville, by Herlaw's advice, made a violent assault upon him. One hundred men of Redesdale, some of them outlaws, on the eve of St. Margaret (19th July), attacked the house of Fawdon, while Douglas and his family were within. These marauders applied fire in three places upon

William himself, his wife, William his son, and their servants Henry of Mulefen, William of Wardrope, Patric of Duglas, and Gillerothe of Duglas, and in the end forcibly ejected Douglas from his manor. He was carried a prisoner to Umfraville's castle of Harbottle, and detained there for eleven days. William of Douglas, the younger, was wounded by the assailants in the neck with a sword, "so that they all but cut off his head." They also carried off his goods, consisting of money, silver spoons, cups, mazers, clothes, arms, and jewels, such as gold rings and gold fermails, to the value of £100. The four servants named were also wounded, and were robbed of a sword, value two shillings, a "supertunice," a belt, a purse with three silver shillings, and other small things valued at a mark.

Such were the charges made against Umfraville by William of Douglas in 1267, but owing to certain informalities in the method of charge, the defendants successfully resisted the plea, which was dismissed as not sufficiently proven.[1] Two years later, in June 1269, the case again came up before the Royal Justices and an assize at Newcastle-on-Tyne. The chief points of the dispute were re-stated, and the judgment of the Court was that William of Douglas and his wife Custancia should recover seizin, and Gilbert of Umfraville was fined.[2]

At the same assize, Douglas himself was summoned to appear in answer to a complaint, the circumstances of which seem to throw some light on the way in which Fawdon was acquired. Gylemin of Wollouere accused Douglas of having deforced him of 30 shillings of rent in Faundon (Fawdon), which William Batayle had leased to the plaintiff for a term not yet expired. Gylemin's statement was that his lease was dated at Candlemas 1264 for the term of six years, and that William Batayle, on the 3d May following, sold the rent to William of Douglas, whereupon the latter ejected the plaintiff

[1] Placitorum Abbreviatio, p. 166; Calendar of Documents relating to Scotland, 1881, vol. i. pp. 485-487.

[2] *Ibid.* p. 510.

within the term, to his damage as he asserted, estimated at £20. Douglas defended the action, which was finally compromised.[1]

This narrative seems to imply that Douglas acquired Fawdon or part of it by purchase, about the year 1264, and not, as Mr. Riddell implies, by gift from Prince Edward.[2] The latter view is founded on a misreading of the document already referred to as narrating the attack on Fawdon. William of Douglas, however, is mentioned in connection with Northumberland so early as 1241, when he is stated in the Pipe Roll, as a surety for payment of a fine due by Michael Fitz Michael of Ryhulle.[3] At a later date, in 1256, he granted to his son William a carucate and 40 acres of land in Warentham.[4] If this be Warndon or Warnden, as would appear from a comparison of names, it lay in the parish of Bamborough, some distance from Fawdon. Nothing definite, however, can be found as to William of Douglas's possession of the land in question.

In regard to the suggestion that Fawdon was acquired by purchase, the history of that manor, so far as it can be traced, may be briefly sketched, as bearing upon the possibility that William of Douglas intermarried with the family of Batayle, who held Fawdon in 1264, and from whom it was apparently purchased. Immediately after the Conquest, Robert "with the beard" (cum-barba), the first of the Umfravilles in England, granted his manor of Fawdon to his retainer, Gilbert Bataill. In 1207 the heir in possession was Henry Bataill, as appears from a suit between Richard of Umfraville and Eustace de Vesci to determine their respective rights to the custody of the heir of Fawdon.[5] Henry Bataill had an uncle William, son of his grand-

[1] Calendar of Documents relating to Scotland, 1881, vol. i. pp. 510, 511.

[2] Remarks upon Scotch Peerage Law, 1833, p. 175, Appendix No. VI.

[3] Hodgson's Northumberland, vol. iii. part III. p. 197.

[4] Calendar of Documents relating to Scotland, 1881, vol. i. p. 394.

[5] Placitorum Abbreviatio, p. 100.

father Walter,[1] and between 1199 and 1216 Constancia, wife of William Bataill, had a plea with John Fitz Simon.[2] Henry Bataill's mother also was named Constancia, and received her dowry about 1207, about the date of the death of her husband, also named Henry.[3]

In 1264 the manor of Fawdon was apparently in possession of William Bataill, a son of Henry Bataill, and this William, as already stated, sold the manor or a portion of it to William of Douglas. It is on record that about the year 1219 a William Bataill, though whether the same person is not clear, married one of four sisters of William Flamwill and daughters of Roger Flamwill.[4] They were heiresses of the "vill" or town of Whittingham, which they held of the king in chief, and in 1257, Robert Bataill, eldest son of Constance or Custancia Flamvill, was declared heir to his mother, and did homage for her lands,[5] that is for her share of Whittingham and others. From the frequent recurrence of the Christian name Constance or Custancia in the family of Bataill, it is not assuming too much to suppose that Custancia, the wife of William of Douglas, who with him was re-infeft in the manor of Fawdon, was herself a Bataill. If so, then whether William of Douglas purchased the whole of the manor in 1264, or only a part of it, he would have a close tie to the property by marriage with a member of the family in possession.[6] This, however, cannot be stated with certainty, as from the frequent occurrence of the name in the records, it would appear that Constancia was at that date rather a common name in Northumberland.

[1] Pipe Roll, 1182; Hodgson's Northumberland, vol. iii. part III. p. 35.

[2] Calendar of Documents relating to Scotland, 1881, vol. i. p. 115.

[3] Hodgson's Northumberland, vol. iii. part III. p. 98.

[4] *Ibid.* vol. i. part III. p. 228; vol. iii. part III. pp. 119 *et seq.*

[5] Calendarium Genealogicum, p. 91; Calendar of Documents relating to Scotland, 1881, vol. i. p. 448.

[6] A Richard Batail, in 1256, paid 20s. for a licence to agree with Archibaud de Douglas and Alina, his wife, as to a plea of land.—[Calendar of Documents relating to Scotland, 1881, vol. i. p. 395.] Some connection, therefore, existed between the Batails and Douglases.

It is not improbable that Custancia may have been a second wife to William of Douglas. His second son William was a minor in 1256, and two guardians, one of them a female, were appointed to look after him and the land. The elder William himself, in the year 1267, was by his own account above sixty years of age.[1] Fawdon remained in the hands of the Douglases until 1296, when it was confiscated by King Edward the First. In a list made up by the English Sheriffs of lands in their separate jurisdictions, which had belonged to and been taken from Scotsmen, William Douglas (son of the subject of this memoir) is described as owner of Fawdon in Northumberland. The manor of Warentham or Warndon is not named as in his possession. Fawdon was restored for a short time by King Edward the Third to Sir James of Douglas in the year 1329, but was again forfeited at a later period.

The narrative of Sir William of Douglas's relations to his English manor has, for the sake of convenience, been given in a consecutive form, but he probably resided there only in his later years. Between 1241, when he is named first in English record, and 1267, Sir William of Douglas appears in Scottish matters, not only, as narrated, in public life, but in more private transactions, especially those affecting properties near his family estates. In 1248 he witnessed, in company with his brother Andrew, at Musselburgh, in close proximity to his lands of Herdmanston, a quitclaim by John Gallard or Gailard to the Monastery of Dunfermline.[2] William and Andrew of Douglas also appear, about the year 1245, as witnesses to charters granted in Linlithgowshire, where lay the lands of Livingston, one of the Douglas domains, and at a later period, in 1255, Sir William and Sir Andrew of Douglas both appended their seals, in company with the resigner's father, to a deed of resignation by Ralph Noble of lands in Illieston.[3]

[1] This disposes of a statement by Hume of Godscroft that this William went to Palestine as a Crusader about 1270, as a man above sixty was considered too old for war or duelling.

[2] Registrum de Dunfermelyn, p. 97.

[3] Red Book of Menteith, vol. ii. pp. 209-211.

In the year 1249 Sir William of Douglas was apparently at Kinloss in Morayshire, probably on a visit to his relatives, the house of De Moravia. While there, on the 17th of June, he attested the charter of an annual donation by Hugh, son of Augustine de Moravia, to the Hospital of Soutra on the confines of Midlothian, of two shillings from his mill of Wiston in Lanarkshire. Among the other witnesses to the charter is one Duncan of Douglas, of whom no further information has been obtained.[1]

Sir William of Douglas a few years later took part in another transaction, in which another member of the family of Moravia was concerned, also affecting lands in the immediate neighbourhood of Douglasdale. This was a document in the form of an agreement, dated at Ancrum in 1253, between the Bishop of Glasgow and the chaplains of the chapel of Osbernistoun, and Sir Walter de Moravia, respecting the land of Osbernistoun, in the barony of Bothwell and county of Lanark. Sir Walter of Moray held the land, as if it was his own, while the Bishop of Glasgow and the chaplains claimed it on the ground that it had been gifted by Sir Walter's ancestors for the support of the two chaplains to celebrate masses for the salvation of the souls of the donors. Moray alleged that the gift was invalid. But the agreement disposed matters so that Sir Walter of Moray should hold the land in farm of the bishop and the chaplains, and pay annually to one of the two chaplains nine merks, and to the other one hundred shillings. For this payment, along with Mark de Baylol, William de Cliveland, Stephen Magnus, Richard Peticru, and Walter Scott, Sir William de Dufglas became surety, and bound his heirs and successors to the same. He, with the others, affixed his seal to the document.[2]

[1] Charters of the Collegiate Churches of Midlothian, p. 30. At a later date, in 1262, the same Hugh de Moravia was adjudged by a Lanarkshire jury, of whom a Philip de Duuglas was one, to have coerced Henry of Wiston into making certain grants of land.—[Calendar of Documents relating to Scotland, 1881, vol. i. p. 555.]

[2] Registrum Episcopatus Glasguensis, vol. i. pp. 162-164.

On Palm Sunday (6th April) of the year 1259, three years after he had bestowed Warndon, in Northumberland, on his second son William, Sir William of Douglas met in Edinburgh Castle with Sir Hugh of Abernethy, Sheriff of Roxburgh and Forester of Selkirk, and arranged the terms of a marriage-contract between Hugh, the eldest son and heir of Sir William of Douglas, and Marjory, the sister of Sir Hugh of Abernethy.[1] While Sir William of Douglas had in the civil contests sided with the English party, Sir Hugh of Abernethy, on the other hand, was a powerful member of the national party. A coalition, however, between the rival factions had been effected in the previous year, and among those present at this contract between the families of Douglas and Abernethy were representatives of both factions. The indenture then prepared, the terms of which will be considered in the memoir of Hugh of Douglas, has been printed, as of peculiar interest, not only to the Douglas family as one of their earliest muniments, but also to Scottish history as the earliest known contract of marriage in Scotland.

Within a year before the attack on Fawdon, and apparently about the time of the siege of Alnwick, when the false accusation of disloyalty was made against him to Prince Edward, Sir William of Douglas was in Scotland. There he was a witness to, and also lent his seal for, the greater authentication of a deed of renunciation made by a neighbouring proprietor in Lanarkshire, at the Court of King Alexander the Third, in Roxburgh Castle. Robert the Frank of Lambinistoun, in the king's presence, on 20th May 1266, gave up to the monks of Kelso all right to the lands of Ardach, in the fee of Lesmahagow, which his father and grandfather had held, and from which they had derived their designation. Except the sheriffs of the neighbouring counties of Lanark, Roxburgh, and Peebles, Sir William of Douglas is the only landowner of the district present at the transaction.[2]

[1] Vol. iii. of this work, p. 1.

[2] Acts of the Parliaments of Scotland, vol. xii. p. 3; Liber de Calchou, vol. i. p. 155.

At other times, also, Sir William Douglas witnessed charters referring to the Abbey of Kelso.[1] On the occasion of a dispute between the monks of Kelso and Sir Symon Lockhart, with respect to the teinds of the church of Symondstoun (Symington), he was one of the "nobles" in whose presence, at Casteltarris (Carstairs), Sir Symon Lockhart renounced his claim, recognised the right of the Abbey to the church in question, and pledged himself, upon oath, under pain of excommunication, not again to molest the monks in their possession of the church.[2]

From the abbot and monks of Kelso Sir William of Douglas received, in the year 1270, a grant, but only for his own lifetime, of the land of Polnele, in their holding of Lesmahagow. It is said to be given for the faithful counsel, help, and protection afforded to the Abbey by the grantee, who, in return, was to pay yearly to the Priory or House of Lesmahagow two pounds of wax. The charter was granted at Glasgow on (3d February) the day following the Feast of the Purification of the Virgin Mary, in a full court of Justiciars.[3]

The only other event recorded of Sir William of Douglas was a mission in which he was engaged, along with two of his neighbours, Sir John of Lambertoun and Richard of Biggartoun, to ascertain for the king the extent of the lands of John of Pencaitland, lying west of the river Tyne. This was done, and the lands delivered to Aymer de Maxwell, by a document dated at Pencaitland on 24th March 1261.[4]

Whether Sir William of Douglas was more than once married has not been ascertained. Godscroft, in his printed history, states that William's wife was Martha, a sister of Alexander Earl of Carrick, and that by her he had two sons, Hugh and William.[5] But in the manuscript copy of his work,

[1] Liber de Calchou, vol. i. p. 153.

[2] *Ibid.* vol. ii. p. 267.

[3] *Ibid.* vol. i. p. 168.

[4] Calendar of Documents relating to Scotland, 1881, vol. i. p. 554.

[5] History of the Houses of Douglas and Angus, 1644, p. 14.

he calls the name of William's wife Isobel, sister of Alexander, Earl of Carrick, and, in addition to the two sons, gives him a daughter, called Isobel, after her mother, and who was married to Sir William Oliphant of Aberdalgy. Godscroft's story, however, is improbable, from the fact that there was no Alexander, Earl of Carrick, at that date, and in the pedigree of the Earls, which is well known, no daughter is said to have married William of Douglas. The only known wife of the latter was Custancia or Constance, already referred to, whose surname has not been recorded. William of Douglas died before 16th October 1274, and was survived by his wife Constance.[1]

No trace of the seal of Sir William of Douglas is known to exist, but Godscroft describes the seal then appended to the charter following upon the marriage indenture of 1259 as "longer then broad, fashioned like a heart; the letters thereon are worn away and not discernable, save only W^{ll}, and the armes seem to be three starres or mullets at the upper end thereof."[2]

Sir William of Douglas had at least two sons, Hugh of Douglas, and William of Douglas who was known as "Le Hardi." Memoirs of them follow. He had also a daughter Willelma, who married William of Galbrathe, son of Sir William of Galbrathe by a daughter of Sir John Comyn, grandfather of Sir John Comyn, one of the Guardians of Scotland. Sir John Comyn, who died about 1274, gave Dalserf to his daughter and son-in-law in free marriage. William Galbrathe and Willelma Douglas had four daughters, the eldest of whom married —— de Cathe [Keith], and had issue a son Bernard de Cathe. Joanna was the heiress of Dalserf, but died at Candlemas 1301, before her mother, who was in possession at her death about Christmas 1302.[3]

[1] Calendar of documents relating to Scotland, vol. ii. Nos. 29, 30.

[2] History of the Houses of Douglas and Angus, 1644, p. 13.

[3] Calendar, *ut supra*, vol. ii. No. 1420. Inquest as to Willelma's succession held at Lanark, 30th December 1303. A Sir Bernard de Kethe appears in 1307 attached to the English interest.

IV.—1. HUGH OF DOUGLAS.

MARJORY OF ABERNETHY, HIS WIFE.

MARRIED A.D. 1259.

OF Hugh, the elder of the two ascertained sons of Sir William of Douglas, surnamed the "Longleg," little is known beyond the arrangements for his marriage with Marjory of Abernethy, the sister of Sir Hugh of Abernethy. He may have succeeded his father, Sir William, in the Douglas possessions in 1274, and died without issue a few years thereafter. But for anything that has been discovered to the contrary, he may have predeceased his father.

At the time his marriage was arranged, Hugh of Douglas was under age, and apparently his intended spouse was also young. The terms of the indenture obliged Hugh, son and heir of Sir William of Douglas, to marry Marjory, sister of Sir Hugh of Abernethy, immediately after the following Easter, so that all things might be finished before Ascension Day of that year. The contract made between the father of Hugh of Douglas and the brother of Marjory of Abernethy, at Edinburgh Castle, was only concluded on Palm Sunday, the 6th of April, and by this agreement, ere six weeks had come and gone, the marriage was to be celebrated. Sir Hugh of Abernethy bound himself to give with his sister twenty merks worth of land in the town of Glencorse, or in the fee of Chamberlain Newton, and Sir William of Douglas promised to the young couple an equal value of land in the fee of Douglas, which should belong to Hugh of Douglas and his heirs, together with the rest of the family inheritance after the death of his father. Mean-

while, the forty merks worth of land were, with the counsel and consent of the bride's brother, to remain with the Lord of Douglas for behoof of the young couple (pueris) for the space of four years, by which time, it may be presumed, Hugh of Douglas would attain his majority. Sir William of Douglas, however, was to find safe and sufficient persons as securities for delivering the lands and their produce to the spouses at the expiry of the four years. During that period Hugh of Douglas and his wife were to be furnished with the necessaries of life by Sir William of Douglas and Sir Hugh of Abernethy, and the estate was to account for these. It was also provided that if, on the one hand, Hugh of Douglas, after the solemnisation of the marriage, predeceased his father, or if under any pretext he withdrew at any time from the fulfilment of the contract, the land given by Sir William of Douglas should remain with Marjory of Abernethy in name of dowry. If, on the other hand, Marjory of Abernethy was unwilling to fulfil the contract, the land given by Sir Hugh of Abernethy to Hugh of Douglas was to remain in possession of the latter during life. Both parties solemnly swore to observe this agreement, which was made in presence of a number of witnesses, among others, Alexander Comyn, Earl of Buchan, Sir Reginald Cavers, Sir John of Dundemor, Sir Andrew of Douglas, Sir Lawrence of Montefixo, and Sir Adam of Folkariston.[1]

Hume of Godscroft in his history refers to a charter bestowed at this time by Sir William of Douglas upon his son Hugh, of the lands of Glespin, Hartwood, Kennox, Carmackhope, and Leholme, all lying in the parish of Douglas, and also the lands then in dispute between him and the heirs of John Crawford, whose estates adjoined those of the Douglas family in Lanarkshire; these lands to be for a dowry to his son's wife. The charter is evidently granted in terms of the indenture of marriage as a liferent portion to Marjory of Abernethy in the event of her husband's death. According to

[1] Vol. iii. of this work, pp. 1, 2.

Godscroft, Sir William designates his son Sir Hugh, or Lord Hugh of Douglas. That historian also observes, that the charter contains the remarkable condition, that if Hugh of Douglas did not fulfil the part of a husband to his wife, and if he lived apart from her, she should still brook and enjoy these lands. The same would hold if she survived her husband. And if Hugh of Douglas predeceased his father, and Marjory of Abernethy survived Sir William of Douglas, she should receive the terce of his lands in Douglasdale, with the exception of what Sir William would leave to his own wife. There was another provision, as it were, says Godscroft, "in case of divorcement, or not consummating the marriage," that if Hugh of Douglas were, after his father's death, living lord and heir, or if he had an heir by any other wife, Marjory of Abernethy should, notwithstanding thereof, possess these lands all the days of the life of Hugh of Douglas. "Now," adds Godscroft, "he could not have an heir by another, unless he were first divorced from her" (Marjory). He also adds that in this charter, of which, indeed, there is no trace elsewhere, Sir William of Douglas, for the greater security of his son's wife, promised, that if Sir Hugh of Abernethy wished any other reasonable guarantee, by charter or other writ, they should themselves prepare it, and he would sign and seal it.[1]

The only other information recorded by Godscroft concerning Hugh of Douglas is traditional, and refers to his character as prudent, vigilant, and active, his foes never finding him sleeping. In illustration of this, the anecdote is related that one of the smaller lairds in Douglasdale, Patton Purdie, who owned a piece of land called the Umdrawod, once, with his sons, lay in ambush by the wayside to kill Hugh of Douglas. The latter drew near the snare unsuspectingly, but obtaining warning by some means, and being unsupported by any of his people, he fled, pursued by his would-be murderers. In a short time a number of his followers collected, and they turning upon

[1] History of the Houses of Douglas and Angus, 1644, p. 13.

the pursuers, chased them some distance, and put them to death upon the highway. Two of the sons of Purdie were slain at one place, and to mark the event a cross was erected, which was named after one of the slain men, Duns Cross. Patton Purdie himself was slain at a place called Hardrig, and another cross was erected at that spot, which was afterwards transferred to the town of Douglas, and obtained the distinction of becoming the market-cross. The following rhyme is said to belong to that time, and to have been intended to immortalise the event:—

> "Pattane Purdie brack a chaise
> Wpon the Lord Douglas,
> Hugh Lord Douglas turned againe,
> And there was Patton Purdie slaine."[1]

Nothing is known as to when or how Hugh of Douglas died, but he and his wife, Marjory of Abernethy, are said to have been buried in the church of St. Bride's in Douglas, where, says Godscroft, their tombs are still to be seen.[2] On the south side of the chancel of the church, between the altar and the priest's door, there is an effigy of a female in a recumbent posture, which is generally said to be that of Marjory of Abernethy. The costume is of this period. From the figure being solitary it has been suggested that this lady predeceased her husband.[3]

Although at this time the union with the powerful family of Abernethy added little to the power or possessions of the Douglases, they, at a later period, became possessed, through Lady Margaret Stewart, Countess of Angus, of the entire barony of Abernethy, and of the famous Round Tower, which is similar to the well-known Round Tower of Brechin. The second title of the Earls of Angus for some time was Lord Abernethy.

[1] MS. of Hume's History, at Hamilton Palace.

[2] MS. History at Hamilton Palace.

[3] Upper Ward of Lanarkshire, vol. ii. p. 61.

IV.—2. SIR WILLIAM OF DOUGLAS, LORD OF DOUGLAS, SURNAMED "LE HARDI."

ELIZABETH STEWART, HIS FIRST WIFE.
ELEANOR OF LOVAIN OR FERRERS, HIS SECOND WIFE.

1288—1302.

OF the early history of this bold and enterprising Chief of the Douglas family, comparatively little is known, and that little is to be gleaned not from the annals of his own country, but from Northumbrian records. The first mention of him is in an acknowledgment by his father before the king's justices and an assize at Newcastle-on-Tyne in 1256. The elder William stated that he had granted to his son William, for his homage and service, a carucate[1] of land in Warentham (or Warndon), and forty acres of land in the same "vill" by two charters. The younger William was then under age, and John de Haulton and Joanna of Faudon were to remain as guardians over him and his land.[2] This guardianship was probably required in consequence of his father's absences in Scotland. The later history of this possession cannot be clearly traced, but apparently it did not continue in the hands of Douglas. It is not referred to as held by him, when a list was made up in 1296 of lands in England forfeited by Scotsmen.

The next appearance in history of William "Le Hardi" or The Bold is eleven years later, at the attack on his father's house of Fawdon, made by

[1] A carucate of land was identical with a "hide" or "plough gate" of land—an indeterminate quantity, but equal to a little more than 100 acres.

[2] Calendar of Documents relating to Scotland, 1881, vol. i. p. 394.

the men of Redesdale in 1267. In this affair the young Douglas seems to have done much to earn his sobriquet, if the condition in which he was left by the assailants be taken as a proof of his activity in defence of his father and mother. As stated in the memoir of his father, the latter informed the king in his accusation of Umfraville, that his son William was wounded in a deadly manner in the neck with a sword, so that the assailants all but cut off his head.[1] Allowing for exaggeration in this assertion, natural enough in the circumstances, it is evident that the young man was severely though not fatally wounded, and his injuries were probably incurred in a brave resistance to the marauders.

Between this event in the year 1267 and the year 1288, when Sir William of Douglas is recorded as in possession of the Douglas estates, little is known of his history. In the interval he had married Elizabeth, daughter of Alexander, High Steward of Scotland, and sister of James, the High Steward who took such an active part in defence of Scotland's independence; but by this time that lady was dead. Sir William had also received the honour of knighthood. As it is clear from his succession to the Douglas estates before 1288, that Sir William recovered from the wound received at Fawdon, it is possible he may have been one of the many knights and nobles who, about 1270, departed for the Holy Land.[2] Godscroft states that William, the father of this Sir William of Douglas, was a crusader. The improbability of this has been already referred to, and that writer may have transferred some tradition to this effect from the history of the son to that of the father, but authentic record is silent on this point.

Whether Sir William "Le Hardi" succeeded in the Douglas possessions to his brother Hugh, or inherited them directly from his father, is

[1] The words of the recorded plea are: "Et Willelmum filium ipsius Willelmi de Duglas letaliter vulneraverunt in collo quodam gladio, ita quod fere amputaverunt caput ejus."—[Placitorum Abbreviatio, p. 166.]

[2] Fordun, edition 1871, vol. i. p. 304.

uncertain. The first act recorded of his ownership was his recovery of the charters of his family from the custody of the Abbot of Kelso, who appears to have been intrusted with them for safe keeping.[1] Sir William of Douglas, however, desired to have his title-deeds in his own care, and on the 14th January 1289, he despatched from Glasgow a messenger to the Abbot with a receipt for the documents, and a request that they might be given to the bearer. In the letter of acknowledgment Douglas designs himself "William of Duglas, Lord of Duglas," being thus the first of his family who assumed that baronial style. This recall of the Douglas charters to their owner's custody was, in one view, happily timed, as in the wars of independence which followed a few years later, the Abbey of Kelso suffered severely. Standing as it did in an exposed situation on the borders, the fire and devastation which overtook this monastery drove its monks to seek refuge elsewhere, and deprived them even of the necessaries of life.[2] Douglas Castle itself suffered once and again in the same wars, and the family muniments were only removed from one place of jeopardy to another. To the frequent occupation of Douglas Castle by the English, and at least one destruction by fire, must be traced the loss of these early charters, with all the information they could have given as to the first generations of the House of Douglas.

Some time previous to the recall of his family charters, Douglas had

[1] The practice of intrusting family muniments to the care of the more important monastic houses was not uncommon at this time. The Abbey of Jedburgh was made the repository of certain documents deposited by John Byset, son of Sir John Byset. A letter by William de Fenton, Andrew de Bosco, and David de Graham, acknowledging receipt of these from Mr. William Wyscard, Archdeacon of St. Andrews, and Chancellor to the King, was among the parchments found in the castle of Edinburgh in 1292, and ordered by King Edward the First of England to be delivered up to King John Baliol. The letter must have been dated before 1268.—[Acts of the Parliaments of Scotland, vol. i. p. 116.]

[2] So the Bishop of St. Andrews states in a charter to the monks after the war was over.—Liber de Calchou, vol. i. p. 249.

signalised himself by a deed highly characteristic of his race, the romantic abduction and marriage of an English heiress, showing that if he were bold in war, he could be equally bold in love. It was during the confusion into which Scotland was thrown shortly after the death of King Alexander the Third that an English lady wended her way from England into Scotland and took up her abode with a kinswoman. She was Eleanor, daughter of Matthew, Lord Lovain, and had become the wife of William de Ferrers, Lord of Groby, in Leicestershire, brother of the last Ferrers, Earl of Derby, but was now a widow.[1] After her husband's death, Eleanor de Ferrers had sought and obtained from King Edward a proportionable dowry out of her late husband's lands in England, the manors of Stebbing and Wodeham Ferrers, in the county of Essex. She then, according to the usual custom, gave her oath that she would not marry again without the king's consent. Her late husband having also possessed lands in Scotland, in the counties of Berwick, Dumfries, Ayr, and Fife, with part of the barony of Tranent, in the county of Haddington,[2] she came to Scotland to secure her dowry out of these lands also. While waiting the settlement of her claim she took up her residence at the manor of Tranent, with Elena de Zouch,[3] the widow of Alan de Zouch, who had possessed the other part of the barony of Tranent.[4] This manor was one day suddenly invested by an armed force, led by the

[1] Dugdale's Baronage, vol. i. p. 267. This lady, Eleanor de Lovain, was the second wife of Ferrers. He left a son by his former wife, who succeeded to his estates.

[2] Exchequer Rolls of Scotland, vol. i. pp. 36, 45; Registrum Magni Sigilli, p. 12; Robertson's Index, pp. 6, 7, 10, 13, 19, 20, 22, 27.

[3] This lady was one of the three daughters of Roger de Quincy, Constable of Scotland, by Elena, eldest daughter of Alan, Lord of Galloway. Her father died in 1264, leaving all his possessions in England and Scotland to his daughters. Her husband, Alan de Zouch, died in 1270. Her elder sister, Margaret, married William de Ferrers, Earl of Derby, and the other sister married Alexander Comyn, Earl of Buchan, who, by virtue of his marriage with a daughter of the late Constable of Scotland, became himself Constable.

[4] Registrum Magni Sigilli, p. 11.

Baron of Douglas and John Wishart, a prominent borderer.[1] They, however, did no damage to the manor, but contented themselves with seizing the English lady and carrying her off to a place of security in another part of the country, probably one of Douglas's own strongholds, where she was detained.

The Baron of Douglas, it would appear, had resolved to take to himself a second wife, and his choice fell on Eleanor de Ferrers. His motives for her abduction are nowhere disclosed and need not here be discussed, though they may be imagined, but he evidently did not consult the lady's own wishes in the matter. The wooer, however, had to reckon with the liege lord of the heiress. On information of the raid reaching the ears of King Edward of England, he regarded it as done to his prejudice and contempt, and on 28th January 1289, he wrote to the Sheriff of Northumberland to seize all the possessions of Douglas in his jurisdiction, and to retain them in safe custody until he received further commands. He was also directed to make "diligent, wary, and circumspect enquiry" throughout his district for the offender, and if he found him, he was to arrest and imprison him.[2] As this mandate did not result in the capture of Douglas, Edward, on the 27th of March following, addressed a letter to William, Bishop of St Andrews, and his associates in the regency of Scotland, relating his complaint against Douglas, and ordering them to produce that baron and the lady before himself and his council, within a month from Easter.[3] The Regents, however, do not appear to have taken any notice of this demand, as another order by Edward, dated the 14th of April, to Richard Knut, the Sheriff of Northumberland, directs anew the seizure of the posses-

[1] John Wishart was a border baron, and one of considerable influence in Scotland. He was one of the Regents during the minority of King Alexander the Third, but was removed from that office with the Comyn and others of the National party in 1255.—[Robertson's Early Kings, vol. ii. p. 66.]

[2] Fine Roll of Edward I., quoted in Stevenson's Illustrations of Scottish History, p. 35.

[3] Stevenson's Historical Documents, Scotland, vol. i. pp. 83-85.

sions of Douglas in that county, and also of the possessions of all who had taken part with him in the forcible abduction of Eleanor de Ferrers.[1] The Sheriff of Northumberland replied that he had seized the lands both of Douglas and Wishart so far as they lay in his bailiary, but as he had learned that the latter also possessed lands in Tynedale, which was under the jurisdiction of a brother sheriff, Thomas de Normanville, he asked a special warrant for himself to seize them also. His information was accepted, but the duty of seizing the lands was imposed upon Normanville as the proper officer. The writ to this Sheriff is important, as it is the only one which, in narrating the charge against Douglas and Wishart, states that, in addition to the abduction, they inflicted other enormities upon the lady, (et alia enormia ei intulit).[2]

As remarked, the Regents of Scotland do not seem to have paid any regard to Edward's demand for the surrender of Douglas and his captive bride. One of the Regents was James, the High Steward of Scotland, whose sister had been Douglas's first wife. Another was Alexander Comyn, Earl of Buchan, a brother-in-law of Elena de Zouch, from whose manor Douglas had carried off his intended bride, and he may be supposed to have had no disfavour to the deed. At the same time, the terms of Edward's demand were derogatory to the dignity of Scotland as an independent kingdom, and the Scots were now on their guard against his pretensions. Accordingly, it is not a matter of surprise that Douglas is found taking part with his brother barons in the stirring events then going forward; but to these reference will presently be made.

About a year after his adventure, however, in the early part of the year 1290, Douglas fell into the hands of King Edward, and was for a time imprisoned in the castle of Leeds. The indictment against him is indefinite, the alleged cause of his imprisonment being simply "certain transgressions imputed

[1] Stevenson's Historical Documents, vol. i. pp. 83, 84. [2] *Ibid.* pp. 85, 86.

to him." But on four English barons, John de Hastings, Nicholas de Segrave, William de Rye, and Robert Bardulf, becoming security for his compearance before the king within fifteen days from 27th January 1291,[1] he was released from prison,[2] and the Sheriff of Northumberland was ordered to cause the lands, etc., of William Douglas and his men, with their revenues from the time of seizure, to be repledged to their owners, to be held by them at least till the date above mentioned, when the king and his council intended to dispose of the case.[3] The lands of John Wishart were restored at the same time on similar terms.[4]

At St. Hilary's term 1291, Eleanor de Ferrers, by two procurators, put in an appearance before the King of England and his Court, and agreed to pay a fine of one hundred pounds for her offence against her feudal superior in marrying Douglas. The latter was personally present, and pledged all his lands and holdings for the payment of the fine in four instalments: £25 on 6th May 1291, the same amount on the 13th October, and the remainder at the same terms in the following year.[5] But the fine was never paid. At the first mentioned term the Sheriff of Northumberland was instructed to levy the promised sum of £25 upon the goods and chattels of William Douglas;[6] and when in the year 1296 Edward confiscated lands in England possessed by Scotsmen, he seized from William Douglas and his wife Eleanor de Ferrers their two manors in Essex and Hereford; Stebbinge, the value of which was £53, 8s. 7½d., and Wodeham Ferrers, valued at £16, 2s. 6d. In reference to the manor of Stebbinge, the jurors who valued it state that

[1] Stevenson's Historical Documents, vol. i. pp. 154, 155. He makes the Quindena of St. Hilary, which is the date given in the original writ, fall upon the 6th of February, but as the feast is on the 13th of January, the fifteenth day after is the 27th of the same month.

[2] Mandate by King Edward the First, dated 14th May 1290, *ibid.*

[3] Mandate, dated 24th May 1290, *ibid.*

[4] *Ibid.*

[5] Stevenson's Historical Documents, vol. i. p. 214.

[6] *Ibid.* p. 214, note.

on the Sabbath (Saturday) after the feast of St. Luke the Evangelist 1295,[1] on which day the Sheriff had taken the manor into the hands of the king, there were found twenty quarters of wheat which the Sheriff had formerly seized in terms of another precept, "for a certain debt of £100, in which William Douglas and Eleanor his wife were bound to the king on account of trespass in her marriage."[2]

This exploit of gallantry on the part of the baron of Douglas was paralleled at a later period by the similar seizure of a daughter of the House of Douglas by Alexander Stewart, son of the Wolf of Badenoch, who captured Isabella Douglas, Lady of Mar, in her Castle of Kildrummy, and obliged her to consent to share the honours of her earldom with him.

Sir William of Douglas may be said to have brought himself suddenly on the stage of history by this bold stroke for a wife. It took place evidently shortly prior to his application for the Douglas charters, and the attack on Fawdon was a mere private foray. The times were favourable to such episodes; but the country had reached a crisis in her history, in which Sir William Douglas was to take a part more prominent than he had hitherto done. King Alexander the Third had perished at the fatal crag of Kinghorn, leaving as his successor a weakly grandchild, a maiden only a few years old, and born in a foreign clime. Under a regency of six of their own number, the Scottish nobility, though united in acknowledging the "Maid of Norway" as their queen, were exhausting themselves and the country in ambitious strife for the succession,[3] should death prevent the young queen from ever occupying the throne, a fear too soon to be realised. The two principal claimants were Bruce and Baliol, and to one or the other of the rivals each of the nobles gave his support in accordance with his own inclination or sense of duty. In this unhappy confusion the country besought

[1] 22d October 1295. [2] Stevenson's Historical Documents, vol. ii. pp. 43, 44.

[3] Tytler's History of Scotland, vol. i. p. 72.

the interposition of Edward the First of England, who accepted the office of arbiter between the rival parties in Scotland. He had also been requested by Haco, King of Norway, to interpose; but on his own account he was negotiating with that king and the Pope for the marriage of his son, Prince Edward, with the Maid of Norway.[1] For the time, however, Edward kept this matter secret from the Scots, and requested the Scottish regents, who, by the death of the Earls of Fife and Buchan, were now reduced to four in number, to send ambassadors to Salisbury, there to arrange with his own commissioners for bringing the young queen of Scotland to England. The treaty of Salisbury was agreed to on the 6th of November 1289,[2] and a meeting of the Scotch Parliament was held on the 14th of March following for its ratification.[3] Before this meeting took place, the proposed marriage between the Maid of Norway and the son of Edward the First was made known, and met with the warm approbation of the Scottish people. The Scottish Parliament met at Brigham (Birgham), and despatched to Edward a letter signed by all present, cordially assenting to the proposed union, provided certain conditions respecting their national independence were guaranteed.[4]

Sir William of Douglas was at this time lying under the displeasure of King Edward on account of his seizure of Eleanor de Ferrers, and orders had been issued both to Edward's own officers and the regents of Scotland to place him under arrest, yet he was present at Brigham among the other barons of Scotland. His name also occurs among those who confirmed the treaty of Salisbury, as well as among the senders of the letter to the English king. It is an amusing illustration of the vicissitudes of Border life in feudal times, that while Douglas was sitting in the Council at Brigham, carelessly defiant of all Edward's attempts to bring him to bay, Sir Richard Knut, the Sheriff of Northumberland, to whom the English king had intrusted the seizure of

[1] Rymer's Fœdera, vol. i. pp. 706, 721.
[2] *Ibid.* p. 719.
[3] Stevenson's Historical Documents, vol. i. p. 129.
[4] Rymer's Fœdera, vol. i. p. 730.

Douglas, was himself a prisoner in the castle of Roxburgh. Having been intrusted by the Queen of England with a mission respecting the dowry of Isabella, widow of John de Vescy, he had applied to the regents of Scotland for a safe-conduct to come to Roxburgh. But, instead of granting the safe-conduct, the regents ordered the Sheriff of Roxburgh, William de Soulis, to apprehend Knut, and bring him to Edinburgh to answer to numerous complaints about his high-handed treatment of Scotsmen in violation of the customs of the Marches. On coming to Roxburgh, the English Sheriff was arrested by Alexander de Maxtone, constable of the castle, on the 13th of January 1290, and lay in prison until the 20th or 24th of March following, by which time the Council at Brigham had completed its work. The Sheriff of Northumberland, after his release, appealed to Edward for justice, estimating the damage to the king's reputation at £10,000, and his own "loss and disgrace" at £2000.[1]

A few weeks later, Douglas himself was a captive in Leeds, but as previously narrated, he did not remain there long. In January 1291, when, after the lapse of a few months, he and his wife appeared before King Edward, another suit was instituted against Sir William of Douglas. One of his neighbours in Northumberland, Geoffrey de Lucy, complained that Douglas had unjustly, and without having recourse to the law, dispossessed him of his common pasture of Fawdon, described as two hundred acres of arable land and ten acres of meadow pertaining to Lucy's freehold in Aungerham. A writ was accordingly issued against Douglas, dated 8th June 1291, in which the Sheriff of Northumberland was directed, on Geoffrey de Lucy finding security for the prosecution of the claim, to take the opinion of a jury and summon parties to his presence at Newcastle for the 2d of July for judgment. The Sheriff was also to take security that Douglas, or if he could not be found, his bailie would then attend.[2] But at the assize

[1] Stevenson's Historical Documents, vol. i. pp. 125-128, 198.

[2] *Ibid.* p. 233.

the jury found that Lucy had never been seised in the pasture land which he claimed.[1]

In June of the same year a royal mandate, in which Douglas was interested, was issued under peculiar circumstances. A few years previous, Duncan, Earl of Fife, one of the six regents appointed by the Communitas of Scotland after the death of King Alexander the Third, had for some reason been foully assassinated by the Abernethies. Fordun and Wyntown[2] agree in placing the date of the murder in 1288, and the former relates that on the 7th April 1288 the Earl was slain at Petpolloch (Pitteloch) by Sir Patrick de Abernethy and Sir Walter de Percy, with the counsel and consent of Sir William of Abernethy. The last named, by prearrangement, lay secretly in wait with a large party on a different road, so that the Earl might not escape alive. The assassins accomplished their purpose and fled, but Andrew of Moray immediately started in pursuit, and succeeded in capturing in Colbanistown (Covington), in Clydesdale, two of the principal actors, Percy and Sir William de Abernethy. The former, with two esquires, Moray at once put to death, the latter he handed over to Sir William Douglas to be imprisoned for life in the castle of Douglas. Sir Patrick de Abernethy escaped to France and died there.[3]

Both Fordun and Wyntown have erred respecting the name of the Abernethy placed in the custody of Douglas at Douglas Castle, for, as Lord Saltoun remarks, documents which these writers had no opportunities of consulting show, "that though Sir William may have been a party to the Earl's assassination, and may have been punished for it, his elder brother, Sir Hugh de Abernethy, was the person imprisoned in Douglas Castle on that account, and as the head of the family he was doubtless the chief instigator of the outrage."[4]

[1] Placitorum Abbreviatio, pp. 227, 285.

[2] Wyntown's Cronykil (Macpherson's edition), vol. ii. pp. 71, 72.

[3] Fordun's Annalia, edition 1871, vol. i. p. 320.

[4] The Frasers of Philorth, vol. ii. p. 20.

This Sir Hugh de Abernethy was none other than Douglas's own relative, the brother of Marjory, his sister-in-law. But this did not hinder the baron of Douglas from sharing in the strong feeling of condemnation at the cruel act of the Abernethies, or from being the instrument to inflict punishment. Abernethy lay imprisoned in Douglas Castle for several years. On 28th June 1291, the King of England, who was then at Berwick-on-Tweed, addressed a letter to Alan, Bishop of Caithness, Chancellor of Scotland (an Englishman), directing him to charge Douglas to transfer Sir Hugh de Abernethy from his place of confinement to one of the king's own prisons.[1] No action appears to have followed on this order, as Fordun and Wyntown both relate that Abernethy died during his captivity in Douglas Castle. This must have been before 1293, as in the beginning of that year, his son Alexander, then in his nonage, with the Abernethy estates, were placed under the charge of Alexander de Menteith, elder son of Walter Stewart, fifth Earl of Menteith. Sir Hugh's widow also, Mary, daughter of John Comyn of Badenoch, one of the regents, was at that time married to Malise Earl of Strathern.[2]

The somewhat peremptory tone of Edward's mandate, and the right of sovereignty which it assumes, are accounted for by the peculiar circumstances of Scotland at this juncture. King Edward the First had at last attained, for a time at least, his long-cherished desire of annexing Scotland as a province of England. The unhappy demise of the young Queen of Scotland on her way from Norway to England, where, by the Treaty of Salisbury, she was to remain until her own country had become sufficiently quiet to receive her, revived with increased force the rivalries among the Scottish nobles with regard to the succession to the throne. The necessity for a prudent arbiter had become greater than before, and as the distracted country could only, in the circumstances, apply to Edward, their plight was indeed evil. Aware of

[1] Vol. iv. of this work, pp. 1, 2. [2] Acts of the Parliaments of Scotland, vol. i. pp. 446, 447.

his advantage he boldly made his own terms with the competitors, and threatened war if opposition was intended. Though they at first refused, the Scots well knew that in their weak and divided state resistance was hopeless and impossible, and they consented to acknowledge Edward as Lord Paramount of Scotland. This acknowledgment took place at Norham on the 2d of June 1291, and was followed by delivery of the kingdom of Scotland by the regents into the hands of Edward. Oaths of homage and protestations of fealty by the nobles and barons were tendered, and Sir William of Douglas is mentioned as paying homage, on the 5th of July, to Edward, in presence of Anthony, Bishop of Durham, Alan, Bishop of Caithness, and many others. The ceremony took place in the chapel of the manor of Sir Walter de Lindsay, at Thurston in East Lothian, where the King of England was being entertained, evidently on his way from Berwick-on-Tweed to Edinburgh.[1]

It seems probable that Douglas was on his way to attend the Court at Newcastle to which he had been summoned for the 2d of July in the affair of Lucy's complaint against him. The verdict of the jury in that case has been stated, and nothing more occurs respecting it. Douglas, however, appears at this time to have rendered himself a special mark for Edward's writs, as another, and a most peremptory mandate was issued against him by the King from Berwick on the 3d of July, ordering his compearance at that place on the 2d of August next, to answer for contempt of a former writ, and for alleged injuries to the Abbot and Convent of Melrose. Meanwhile he was strictly inhibited from molesting them or their men, or injuring their goods and chattels.[2]

The documents in this case show that from time immemorial the monks of Melrose had been accustomed to use a road (via communis) stretching

[1] Edward was at Berwick on the 4th of July, and at Edinburgh on the 8th of the same month.—[Rotuli Scotiæ, vol. i. p. 2; Rymer's Fœdera, vol. i. p. 772.]

[2] Vol. iv. of this work, pp. 2, 3.

through the heart of the Douglas valley from the marches of the land of Tordones, belonging to the Abbey, to the church of Douglas. This road passed in front of the park of Douglas Castle, then down the valley to Uddington (Huddigystoun), thence to "le Rayerd" (Redshaw?), and so on to the march of the barony of Wiston. The monks complained that when they used this road and passed along in front of his castle, the baron of Douglas hindered and frightened them, and these complaints were, it would seem, carried by the Abbot to King Edward. He, in the previous year, at the request of his own son, had granted to the monks of Melrose exemption from distraint for debts not incurred by themselves;[1] and only a few days prior to issuing the writ summoning Douglas on account of their complaint, had signed ample letters of protection in their favour to endure for the space of one year.[2] Douglas, however, does not seem to have been overawed by the legal documents directed against him. He evidently continued his molestations of the monks at his pleasure, even in spite of a judicial decision by the regents and Brian Fitz Alan, who, during the pending of the Succession Controversy, was conjoined with them in the government of Scotland. These high-handed acts of Douglas went on at least till 1294, when, in a meeting of Council at Roxburgh on the 13th of April, the matter came before John Baliol, who was now on the Scottish throne. He issued to Geoffrey de Moubray, Justiciar of Lothian, a letter narrating all the circumstances, and ordered him to give sasine of this disputed road of new to the Abbot and Convent of Melrose. He was also to seize and summon before the king and Council any whom he found disturbing the holy men in their right, to answer for their contempt, and to bind themselves to act in accordance with justice.[3]

Sir William of Douglas fell under the displeasure of Edward in the end

[1] Stevenson's Historical Documents, vol. i. p. 179.

[2] Rotuli Scotiæ, vol. i. p. 1.

[3] Vol. iii. of this work, pp. 8, 9.

of the year 1291, or beginning of the following year, and was deprived of his estates in Lanarkshire. On 20th January 1292 the English king presented Master Eustace de Bikerton to the church of Douglas, the patronage of which had fallen in his hands through the forfeiture of the lands of Sir William of Douglas, "for certain transgressions committed by him;" and the Bishop of Glasgow, in whose diocese the church of Douglas lay, was instructed to see the letters of presentation given effect to.[1]

Douglas apparently did not favour the claims of Baliol to the throne of Scotland. He seems to have held aloof from all the proceedings connected with the coronation, and, indeed, during the dependence of the claims, he is not known to have sided with any of the competitors. He did not attend Baliol's first Parliament held at Scone on 10th February 1293, and for his neglect of the summons to do so he was declared a defaulter, along with other three magnates, Robert Bruce, Earl of Carrick, Angus, son of Donald of the Isles,[2] and John, Earl of Caithness. What should be done to compel their submission was discussed in the Council, and it was decided again to summon the delinquents to appear before King John on the second Monday after Easter (6th April 1293), wherever the king might be at that time within Scotland, to perform homage, and also to receive sentence for their absence from Parliament and disregard of the first summons. The Sheriffs of the respective districts were accordingly commanded to take with them six free men of the three nearest baronies, and summon the defaulting barons in terms of the Council's decision.[3]

Whether Douglas obeyed this last summons and performed homage to Baliol does not appear, but he was present at King John's second Parliament, held at Stirling on the 3d of August 1293. It remains a question, however,

[1] Rotuli Scotiæ, vol. i. p. 7.

[2] Misprinted "Donald, son of Angus," in the Record of the Acts of Parliament.

[3] Acts of the Parliaments of Scotland, vol. i. p. 447; Rymer's Fœdera, vol. i. p. 787.

as to the position in which he was present, whether as a baron of the realm, or only as summoned to answer to two grave charges against him.

One of these charges was alleged deforcement of the king's officers. The complaint narrates that when the king's bailies for Lanarkshire, on a precept of the Justiciars at Douglas, came to give sasine to the mother of Sir William in certain tenements which she had recovered in an action against her son before the Justiciars, and also to levy the costs, Douglas had seized the bailies, and detained them against their will a night and a day in his castle, but afterwards suffered them to depart; whereupon the bailies immediately made suit at the castle of Lanark for redress, and the king himself regarded the deed as done in despite to him, and tending to his detriment.

Sir William denied having done despite to the king's dignity, and declared the truth of the matter to be that the bailies came to his castle to give the sasine foresaid, and uplift the 140 merks of damages imposed by the Justiciars. He then informed them that they were doing him wrong, because they could not levy such a sum so hastily, and they ought, therefore, to make some delay; and so they did, he added, against their will. This explanation, as may be expected, did not satisfy the Court, and Douglas was sentenced to imprisonment during the pleasure of the king.

A second complaint was then made by Baliol himself, who charged Douglas with taking three of his men, before he became king, and imprisoning them in the castle of Douglas. This was done, the king asserted, against surety and pledge, and in contravention of the laws of the kingdom, and in the end one of the men died in prison, another was beheaded, while the third escaped. The king assessed his loss at one thousand pounds. To this charge Douglas did not attempt a denial, but placed himself at the mercy of the king.[1] He was accordingly placed in ward. How long he remained in prison is not known, but it was probably for no great length of time. His

[1] Acts of the Parliaments of Scotland, vol. i. p. 448; Rymer's Fœdera, vol. i. p. 791.

stay there obviated his attendance on feudal business connected with his possessions in the county of Essex in England, and formed his excuse with Edward for the remission of a fine of twenty pounds, in which he was mulcted for non-attendance. Edward's mandate cancelling the fine is dated 3d October 1293, and the terms of it suggest that by that time Douglas was again free.[1]

Two years later, goaded to fury by the tyranny and insolence of their oppressor, the Scottish nobles had induced Baliol to renounce his vows of submission to King Edward, and to assert the independence of his throne. Baliol did so, and then began that long struggle which only terminated, about twenty years later, at Bannockburn. Sir William Douglas took a decided part against the English king, although from the force of circumstances he was not always consistent any more than the majority of his fellow-patriots. That virtue can be accorded only to a very few of the Scottish barons during the war of independence.

The Scots had, in October 1295, entered into a treaty with France and Norway against England,[2] and evidently relying upon this they resolved to risk a contest with Edward. The town of Berwick-upon-Tweed, the great outpost of Scotland on the east, was garrisoned by the nobles and freeholders, with other valiant men of Fife, while Sir William of Douglas was made commander of the castle.[3] Here the Scots fortified themselves and awaited the English attack. Meanwhile Edward, exasperated against the Scots, had recourse to his usual tactics of dividing them against themselves. He treated Baliol as no longer king of Scotland, and gained over Bruce to act with him against his own countrymen, promising to place him on the Scottish throne instead of Baliol. He then ordered the sale of the goods and chattels on all the estates of Scotsmen in England, and the proceeds to be paid into his

[1] Stevenson's Historical Documents, vol. i. p. 403.

[2] *Ibid.* vol. ii. p. 8.

[3] Fordun, Annalia, edition 1871, vol. i. p. 323.

treasury;[1] gave directions for the collection of a large fleet to co-operate with the army which he was levying,[2] and before the end of March he was ready for the war.

The Scottish historians relate that some time previous to Edward's appearing in the field, a large English fleet had entered the Tweed, and had been repulsed by the garrison with heavy loss, no fewer than eighteen ships, full of armed men, being burnt, and their crews slain.[3] The tidings of this, adds Wyntown, roused Edward to great fury.

> "All breme he belyd into berth,
> And wrythyd all in wedand werth,
> Alsá kobbyd in his crope,
> As he had ettyn ane Attyrcope;"

and he then proceeds to tell of his raising an army to subdue Scotland.[4] The English historians, however, say nothing about this defeat, and as the encounter bears a striking similarity to what took place while Edward himself lay before Berwick, with the exception of the number of vessels destroyed, it is possible that the Scottish historians have in this case made a mistake.

Edward crossed the Tweed, below Coldstream, with his army on the 28th of March 1296, and was joined by Anthony Beck, the Bishop of Durham, with a large contingent who had crossed at Norham, lower down the river. His army consisted of five thousand horse and thirty thousand footmen,[5] at the head of whom he approached Berwick, and demanded its surrender. He awaited for a full day the reply of the townsmen, and, on receiving a refusal, withdrew towards Coldstream and encamped there. His naval squadron lay out at sea opposite Berwick, and the commanders, on the morning of the 30th, seeing in the distance the land forces drawn up ready for battle, imagined that Edward

[1] Stevenson's Historical Documents, vol. ii. p. 22.
[2] *Ibid.* p. 23.
[3] Fordun's Annalia, edit. 1871, vol. i. p. 324.
[4] Wyntown's Cronykil, B. VIII. c. xi.
[5] Stevenson's Historical Documents, vol. ii. p. 25.

was about to commence the assault. In order to render aid, they, with their ships, entered the river. The foremost vessel ran aground, and was speedily surrounded by the Scots, who, after a stubborn contest, killed the crew and set the ship on fire. Two or three other ships shared a similar fate, but their crews escaped in their boats, while the rest of the fleet succeeded in retiring out of the river in safety.[1]

Such a scene enacted in full view of the English king had the effect of hastening his attack upon the city, to make himself master of which he had recourse to stratagem. Knowing that the Scots were in daily expectation of reinforcements, he substituted Scottish banners for his own standards, and made a rapid descent upon the city. The Scots within the walls were quite deceived, and threw open the gates with joy and blitheness to welcome their supposed comrades. But no sooner had the gates been gained and secured than the mistake was discovered, all too late to avert the terrible and indiscriminate slaughter which now commenced. At their entrance, says Hemingburgh, the astonished Scots stood stupefied, as men beside themselves, not one lifting a sword or aiming a shaft.[2] They were then overborne by a sudden rush. For two days, say the Scotch historians, rivers of gore flowed from the bodies of the slain, no fewer than seven thousand five hundred men, women, and children having perished[3] (Hemingburgh places the number at over eight thousand), and the magnanimous, valiant, and warlike nobles of Fife were utterly destroyed.[4]

"Leryd and Lawde, Nwne and Frere,
All wes slayne wyth that powere:
Of alkyn state, of alkyn age,
Thai sparyd nowthir carl ná page:
Báth awld and yhowng, men and wyẅys,
And sowkand barnys tynt thare lyvys."

[1] Chronicon Walteri de Hemingburgh, vol. ii. pp. 96-98.
[2] *Ibid.* p. 98.
[3] Fordun's Annalia, edit. 1871, vol. i. p. 324.
[4] Fordun, à Goodall, vol. ii. p. 160.

Thus Wyntown; and he adds other horrors of the massacre which cannot be repeated here. The wickedness of the deed is intensified, in the historian's eyes, by its being done on Good-Friday, but he comforts himself with the following reflection concerning Edward and his victims:—

> "The sawlys, that he gert slay down thare
> He send, quhare his sawle nevyrmare
> Wes lyk to come, that is the Blys
> Quhare alkyn joy ay lestand is."[1]

The English historians boast that the city was taken with the loss to them of only a single knight, a brother of the Earl of Cornwall, whose death is connected with a deed of unparalleled fidelity and devotion.

In Berwick, the Flemings, who at this time had an extensive commercial interest in Scotland, possessed a strong building, called the Aula Rubea or Red Hall, which, by their charter, they were bound to defend against the King of England to the last extremity. Thirty Flemings were in the Red Hall when the city of Berwick was taken, and they courageously held out against all attempts to take it until the evening, when the English soldiers set the building on fire, and its brave defenders perished with it. It was a dart shot from this building which pierced the eye of the English knight while charging through the town at the head of his soldiers.[2]

After the English had acquired complete hold of Berwick, the garrison of the castle, numbering about two hundred, warned by the fate of the townsmen, capitulated on condition of being granted safety of life and limb, and the security of their lands and other possessions. This was conceded, and they were allowed to depart after first swearing with uplifted hands that they would never bear arms against Edward or the kingdom of England. From these conditions, however, an exemption was made in the case of Douglas, who was not liberated on parole, but was kept in close ward.

[1] Wyntown's Cronykil, B. VIII. c. xi.

[2] Chronicon Walteri de Hemingburgh, vol. ii. p. 98.

King Edward took up his quarters in the castle of Berwick on the night of its surrender, and remained in the town for nearly a month, until the concentration of the Scots at Dunbar called him to action. A decisive defeat was there inflicted upon the Scots, many being slain, and a large number of prisoners taken. The King of England then set out on a tour of conquest, and proceeding by Roxburgh and Jedburgh he came to Edinburgh, and laid siege to the castle, which surrendered after eight days.[1] He successfully accomplished a victorious progress as far as Elgin, and returned to Berwick towards the end of August.[2]

The imprisonment of Douglas did not last all this time, as we find him at Edinburgh on the 10th of June swearing allegiance to King Edward, in presence of the Bishop of Durham and various noblemen. The record of the proceedings describes him in the usual form as having come voluntarily to the faith of the English king, uncompelled by force or fear. In the royal presence he renounced whatever connection he had with any treaties made with Philip, King of France, against the King of England so far as they could affect him or his, and touching and kissing the gospels, he gave oath of fealty to King Edward as his sovereign, and appended his seal to the usual form of letters-patent required from the Scots, that they would faithfully serve Edward against all his enemies, upon pain of body and goods.[3] He again performed the same homage at Berwick with the rest of his countrymen in a Parliament held there by Edward, on 28th August 1296, before quitting Scotland, and Douglas is simply mentioned among a host of others as William of Douglas, of the county of Lanark.[4] The seal appended by

[1] Chronicon Walteri de Hemingburgh, vol. ii. p. 105.

[2] Ragman Rolls, pp. 177-180.

[3] *Ibid.* pp. 64, 65.

[4] *Ibid.* p. 125. Amongst others who paid homage to Edward on that day, and took the oath of fealty, was William, son of Andrew de Douglas, of the county of Linlithgow [*ibid.* p. 154], evidently the cousin of Sir William.

Douglas to his deed of homage has been already referred to, and a representation of it given.[1]

At the time of his capture and imprisonment in Berwick the possessions of Douglas in Scotland shared the fate of his English lands, and were confiscated by Edward. It has been already noticed that all the possessions of Scotsmen in England had been seized by orders of Edward before the commencement of the war, and among these were Douglas's two manors in Essex, Stebbing and Wodeham Ferrers, and his manor of Fawdon in Northumberland.[2] These English possessions do not appear ever to have been regained by Sir William of Douglas, but on the 30th of August an order was issued by King Edward for restoring his territories in Scotland. These must have been extensive, as the Sheriffs of no fewer than six counties, Fife, Dumfries, Wigton, Berwick, Ayr, and Edinburgh, were directed to restore to Sir William Douglas the lands and others belonging to him seized within their bounds, with all their revenues, deducting expenses and the taxes due to the king.[3]

Scarcely had the English king got back to Westminster when the old spirit of independence broke out among the Scottish peasantry, and small parties in many parts of the country made it their business to harass and spoil the English garrisons which were scattered over the land. In these maraudings the Scottish nobles and gentry had at least no direct hand, as they were bound to Edward's yoke in several ways. Not to speak of their oaths of fealty, though in a crisis these were but little accounted of, a considerable number were yet in English prisons, whither they had been sent after the disastrous battle of Dunbar. If liberated, they had either left

[1] Page 17, *antea*.

[2] Stevenson's Historical Documents, vol. ii. pp. 43, 44, 46, 49.

[3] Vol. iv. of this work, p. 3. Aymer de Softlawe was at this time parson of Douglas, and on his rendering homage, his lands were also ordered to be restored.—[Rotuli Scotiæ, vol. i. p. 25; Ragman Rolls, p. 159.]

important hostages in their place, whose safety must be imperilled by any hostile action on their part, and for which Edward was sure to exact fierce retribution; or else they were engaged to serve the English king in Flanders. The peasantry and smaller landed gentry had less to fear, and consequently were not deterred by the same considerations. Hence, according to King Edward's complaint, homicides, depredations, and other enormities, were of daily occurrence; and, to secure the suppression of these rebellions, he gave his English Treasurer of Scotland, Hugh de Cressingham, full power to exhaust the contents of the Scottish Exchequer.[1]

Edward now sought to use the Scottish nobility and barons in his military service, in the same way as he did those of his own realm. He summoned them to attend him in an expedition into Flanders. On the 24th of May 1297, letters were directed from Portsmouth to Sir William of Douglas, and upwards of fifty Scottish magnates, principally those south of the Firth of Forth. The letters do not state definitely the object of the summons, but Cressingham and Osbert de Spaldingtone were verbally to intimate the king's pleasure to those summoned.[2] The expedition was to meet on the 7th of July, and the muster was to take place at London.[3] But Douglas had other work in hand, and the day on which, had he obeyed the summons, he should have been at London, found him quite otherwise employed.

While King Edward was thus moulding Scotch affairs to his will, as he believed, William Wallace had begun his brilliant career as the deliverer of his country. Driven by English oppression into outlawry, he collected around him the kindred spirits throughout the west country, and commenced an open warfare with the English garrisons. Wherever he attacked he was almost always successful, and his countrymen began to be inspired with new hopes. Douglas was amongst the first of the barons to proceed to the assistance of

[1] Rotuli Scotiæ, vol. i. p. 42. [2] Stevenson's Historical Documents, vol. ii. p. 167.
[3] Palgrave's Parliamentary Writs, vol. i. p. 284.

the patriot leader, and, according to Blind Harry the minstrel, he did so by a little exploit of his own, which, however, but for Wallace's timely intervention, would probably have ended in disaster.

The castle of Sanquhar was at this time in the possession of an English garrison of forty men, under a commander named Beaufort. A vassal of Douglas's, Thomas Dickson, proposed to his lord a plan for the seizure of this stronghold. He knew the countryman who supplied the garrison with firewood, and he offered, if Douglas would lie in ambush near the gate, to personate this man and procure an entrance. The offer was accepted. Douglas with thirty trusty followers placed themselves near the entrance of the castle, and Dickson, arrayed in the costume of the carrier, in the grey dawn of the early morn, drove his cart of wood up to the gate, which, with a remark as to his untimely arrival, the unsuspecting porter threw open. Dickson immediately stabbed the porter, and giving the signal, Douglas and his men rushed in and completed the work, all the garrison being put to death save one, who escaped and gave the alarm to the English troops in the vicinity. Concentrating on Sanquhar, these laid siege to the castle, but Douglas found means to convey, by his henchman Dickson, a message to Wallace, at that time in the Lennox, and he, leaving a detachment to complete the work he had then in hand, immediately marched to Douglas's relief. The English fled at his approach, but he overtook them before they reached Dalswinton and put many to death. Douglas, adds the writer, was after this made warden of all the district from Drumlanrig to Ayr.[1]

The action taken by Douglas opened up the whole district of Galloway to Wallace's victorious arms, and was the beginning of more united action on the part of some of the nobles. James, the High Steward, with his brother John, Sir Andrew Moray of Bothwell, Alexander de Lindsay, Sir Richard Lundin, with Wishart, the Bishop of Glasgow, all came to the help of the

[1] Blind Harry's Wallace, vol. ii. pp. 269-277.

patriot.[1] It had also the further effect of rousing Edward to greater exertion. Up to this time he had considered the forces he had left in Scotland amply sufficient for quelling the rebellion, but he now took more effective measures. His campaign in Flanders prevented his personal attendance, and he therefore appointed John de Warenne, Earl of Surrey, to the office of Guardian of Scotland, and directed him to collect an army from the northern counties of England and invade the scene of insurrection.[2] Wallace, meanwhile, was endeavouring to clear the country of the English governors and churchmen, and to replace the ejected garrisons with his own men. He was also about this time joined by another Scottish noble, Robert Bruce the younger, afterwards so distinguished, but who at this time had been acting a double part. His heart was with his countrymen, but he wished to keep up an appearance of fidelity to the English king, probably in the hope that the latter would yet assist him to the throne of Scotland. His conduct, however, excited suspicion, and the English wardens of the Marches considered themselves warranted in summoning him to Carlisle and demanding a further pledge of his fidelity. He attended as required and renewed his oath of fealty to Edward, swearing upon the host and the sword of Thomas à Becket. To assure the minds of Edward's officers, Bruce made a descent upon the lands of Sir William of Douglas, sacked his castle, and carried off his wife and children to his own castle in Annandale. With this, however, Bruce contented himself. On his return to his own neighbourhood he assembled his father's men (the elder Bruce being then absent in England), told them his oath had been extorted by violence and under bodily fear, and that he extremely regretted having given it, and hoped he might obtain absolution in a short time. "No man," he said, "ever held his own flesh in hatred, and neither do I: I must hie me to my own people, I shall attach

[1] Tytler's History of Scotland, vol. i. p. 127.

[2] Chronicon Walteri de Hemingburgh, vol. ii. p. 131.

myself to my nation, from whence I drew my birth: Do you the same. Be willing to go with me, and ye will be my councillors and dearest friends." His father's men, however, refused his invitation, but not daunted by this, with his own followers he passed over to the side of Wallace.[1]

The Earl of Surrey carried out his instructions from the English king by despatching to Galloway a large force of upwards of forty thousand soldiers, under the command of his nephew, Henry of Percy, nominal warden of the district of Galloway and Ayr. They encamped the first night at Lochmaben, and were attacked during the night by the Scots. Setting fire to the huts in which they had been lodging, the English repulsed their assailants, and afterwards proceeded to Ayr to receive to the king's peace the inhabitants of Galloway. During the three days the southern forces remained in Ayr, only a few Scots came to surrender themselves, but learning that Wallace was encamped at Irvine, a distance of four leagues from Ayr, Percy at once proceeded thither, and found the Scots posted by the side of a small lake. Hemingburgh narrates that, when the Scottish leaders, the Bishop of Glasgow, the Steward of Scotland, and Sir William Douglas, observed that the English cavalry was superior to their own, though they had twice the number of infantry, they became afraid, and sent messengers to the English to inquire if there was any one who had power to receive them to the king's peace. On being answered in the affirmative, Sir Richard de Lundin, who had not previously taken the oaths of allegiance to the English king, immediately passed over to the English army and surrendered to Edward's pleasure, saying he would fight no longer in company with men who could not agree among themselves. The rest of the Scottish leaders then became alarmed, and at once capitulated on the usual terms of safety of person, and full pardon for all offences committed up to that day, to which Percy agreed on condition of Edward's consenting. Wallace alone stood firm, and would not surrender.[2]

[1] Chronicon Walteri de Hemingburgh, vol. ii. pp. 129, 130.

[2] *Ibid.* pp. 132, 133.

Mutual instruments were drawn up by Percy and the Scottish barons, detailing the conditions of the surrender. Percy guaranteed their safety and granted permission to the Bishop of Glasgow, the Earl of Carrick, and the High Steward to cross over to Gascony to the assistance of Edward.[1] The Scottish barons, on the other hand, confessed in degrading terms that they had risen with the community against Edward and against his peace, in his lordship and land of Scotland and Galloway, and that they had committed arson, murders, and robberies, in their own persons, and caused their men to do the same, on account of which they submitted to the pleasure of their lord the king, willing to make full amends for these offences at his pleasure. This submission is dated at Irvine, the 9th of July 1297, while the English counterpart is dated the 7th.[2]

This shameful desertion of Wallace did not daunt him in his efforts to make Scotland independent, though it tended to protract the struggle. The unfortunate dissensions which so often weakened the Scots in the presence of their enemies, were here also the operative cause why, with a strong army and so gallant a leader, not a blow was struck, when, had harmony prevailed, success might have been insured. But the nobles appeared to disdain to hold command under Wallace.

Soon after the treaty of Irvine, the Earl of Surrey came to Berwick and learned what had been done. Negotiations were then entered into between him and the Scottish nobles as to the terms upon which the latter would cease hostilities. The Scots complained of Edward summoning them for service in his foreign wars as an injury and dishonour.[3] Hemingburgh says they were undecided how to act; they deferred producing their promised hostages, demanded the conservation of all their ancient laws and customs, but upon frivolous excuses put off from day to day coming to any settlement.

[1] Stevenson's Historical Documents, vol. ii. p. 192-194.

[2] Vol. iv. of this work, p. 52.

[3] Stevenson's Historical Documents, vol. ii. p. 198.

In the meantime Wallace was gathering the people together, and the English proposed that they should ride out and disperse them. At this the Scottish magnates took alarm, and threw the blame upon Douglas and the Bishop of Glasgow, who, to clear themselves from the imputation, surrendered their persons to Surrey, Sir William Douglas first, and then the Bishop, whereupon the latter was placed in ward at Roxburgh, and the former at Berwick.[1]

From other sources of information it would appear that Douglas was detained by Percy after the surrender at Irvine, and brought by him on to Berwick. In a letter to Edward, dated 24th July 1297, the captain of the castle of Berwick informs the king that Sir Henry of Percy and Sir Robert of Clifford had come from the West to Roxburgh, and brought with them Sir William of Douglas and Sir Alexander of Lindsay. The writer gives a glimpse of the feelings of Sir William Douglas, who seems to have been a very impatient captive. He writes:—"Because Sir William Douglas has not kept the covenants which he made with Sir Henry of Percy, he is in your castle of Berwick in my keeping, and he is still very savage and very abusive, but I shall keep him in such wise that, if it please God, he shall not escape." The letter concludes with a gentle hint, that as the church of Douglas was vacant, and worth about two hundred marks, it might be given to the Treasurer of Scotland (Cressingham), who was very active and laborious in his Majesty's service.[2] From the terms of this letter and what

[1] Chronicon Walteri de Hemingburgh, vol. ii. pp. 133, 134.

[2] Stevenson's Historical Documents, vol. ii. p. 205. In the same work is quoted another letter in the Public Record Office, London, to the same effect. "SIRE,—Sir William of Douglas is in your prison in the castle of Berwick in irons and safe keeping, God be thanked, and for a good cause, as one who has deserved it. And I pray you, if it be your pleasure, let him not be liberated for any profit or influence, until you know to what the charges against him amount. Of your other enemies, may God avenge you, if he pleases."—[*Ibid.* pp. 205, 206.]

follows, it is evident that, whatever the pretext, the conditions of the capitulation at Irvine as to personal liberty were not fulfilled to Sir William of Douglas. A week later, Surrey himself wrote to King Edward that the unfortunate knight was in the castle of Berwick in strong irons and safe custody, the excuse for such treatment being that he did not, as the others did, produce his hostages on the day appointed.[1]

Douglas's devotion to his own country and his taking part with Sir William Wallace was followed by the usual confiscation of his lands in Essex and Northumberland. A royal warrant was issued ordering the lands to be seized by the Sheriffs of these two counties, and that all the stock, with the growing corn and other things, should be sold at as good value as possible, and the proceeds given in to the royal treasury. This mandate was issued on 7th June.[2] The news of Douglas's imprisonment would also appear to have been acceptable to the English king, and it is perhaps the best tribute to the personal influence of Sir William of Douglas and the value of his services to the cause of Scottish independence, that King Edward resolved never to release him now that he was a captive. Circumstances, however, necessitated his removal from Berwick. Wallace, at Stirling, inflicted on Surrey and his large English army a crushing defeat, which caused all the Englishmen remaining in Scotland to re-cross the Border as speedily as possible. They also evacuated Berwick, to which the Scottish leader sent a force under Haliburton, though the castle of Berwick was not surrendered by the English garrison while the Scots held the town. In their retreat from Scotland the English took Douglas with them, and on the 12th of October an order was signed by Prince Edward in name of his father for the captive's admission into the Tower of London.[3] In a settlement by Edward on Eleanor, wife of William Douglas, of the manor of Wodeham Ferrers, for

[1] Stevenson's Historical Documents, vol. ii. p. 218. The letter is dated 1st August 1297.
[2] *Ibid.* p. 176.
[3] *Ibid.* p. 235.

her sustenance during her husband's imprisonment, on 23d October 1297, he is described as then detained in the prison of the Tower of London.[1] For his support while in captivity the sum of 4d. per day was paid,[2] and he appears to have ended his days in the Tower.

Tytler, on the authority of Sibbald, who quotes in his commentary on the Relationes Arnaldi Blair, a MS. Douglas History by Crawford, states that Douglas was present at the appointment of Wallace as Governor of Scotland in name of Baliol, at Forest Kirk, in Selkirkshire, in 1298.[3] But this is scarcely possible. After being placed in the Tower of London, he is not again found taking any part in his country's affairs. One chronicle records that he died in Berwick of misadventure (de mischef),[4] but as there is no indication on the part of the writer that he was aware of Douglas's subsequent removal into England, it may be inferred that he only wished to put a proper finish to an eventful life. Godscroft has two theories—that he either died in Hog's Tower in Berwick, or being removed from Berwick to Newcastle, thence to York, he died in the castle there, and was buried in a little chapel at the south end of the bridge. This, too, is quite fanciful. He assumes the year of Douglas's death to have been 1302, as in the following year his eldest son made an ineffectual claim to recover his lands of Douglasdale,[5] which had been bestowed by the English king on Sir Robert Clifford.[6] This grant was probably made in 1298, as in that year, on the 26th of July, the church of Douglas was given to Geoffrey de Stokes by the king, who does not on

[1] Stevenson's Historical Documents, vol. ii. p. 235.

[2] Exchequer Memoranda, Roll 26 Edward I. 6th November 1297.

[3] History of Scotland, vol. i. p. 146. The Forest Kirk referred to was Carluke, in Lanarkshire, which was then popularly so called.—[Origines Parochiales, vol. i. p. 115.]

[4] Scalacronica, p. 124.

[5] History of the Houses of Douglas and Angus, pp. 19, 20.

[6] Edward the Third of England in 1332 referred to this grant, and promised Douglasdale to the grandson of this Clifford, if the attempt he was making to reduce Scotland should be successful.—[Chronicon de Lanercost, p. 271.]

this occasion say that the lands are in his hands.[1] It is ascertained, however, that Sir William died about three years before 1302, or some time in 1298, apparently while still an inmate of the Tower. In January 1299 King Edward issued an order directing the dower lands of Eleanor de Ferrers to be restored to her, and she is then described as the widow of Sir William Douglas.[2] He may have been dead before the grant of Douglasdale to Clifford, and another grant of his manor of Fawdon, which was made on 24th November 1298, to Gilbert of Umfraville.[3]

The boldness and daring displayed by Sir William procured for him the appellation of "Le Hardi," or the Bold. He maintained the prestige and power of the rising house of Douglas, and added considerably to the extent of its possessions. It was probably through his second marriage that he added to his previous territory the lands he held in the counties of Fife, Dumfries, Ayr, Wigton, and part of those he owned in Haddingtonshire. But from time to time these were confiscated, and at the end of his life they were in the hands of aliens. A meed of praise cannot be withheld from his services to the cause of Scottish independence, and though greater resolution would have increased his merit, he yet died, as Barbour puts it, a martyr for the liberty of his country.

"Put in presoun Schir Wilyham was
That of Douglas was lord and syr.
Of him tha makit ane martyr
Fra tha in presoun him sleuch
His landis that war far eneuch
Tha to the lord of Cliffurd gaf."[4]

Sir William of Douglas was twice married. His first wife is stated by the Peerage authors and other writers to have been a daughter of

[1] Stevenson's Historical Documents, vol. ii. p. 289.
[2] Writ of Privy Seal, 20th January 1298-99.
[3] Close Roll, 27 Edward I.
[4] Barbour's Bruce, p. 13.

William de Keth, but no evidence is found to support that statement. Sir William's first known wife was Elizabeth, the daughter of Alexander, High Steward of Scotland, and consequently sister of Douglas's co-patriot, James, the High Steward.[1] In accord with this view, Barbour describes Walter, High Steward in the time of Robert Bruce, the son of James, and Sir James Douglas, the son of Sir William, as "cousins in near degree."[2] In another place that historian mentions the same Sir James Douglas as entertaining Sir Alexander Stewart of Boncle, the son of Sir John Stewart, brother to James the High Steward, as "his esme's" (uncle's) "son."[3] The marriage of a William Douglas to Elizabeth Stewart is narrated by Chalmers, but he affirms it to be William Douglas, Lord of Lugton, who, he says, received lands in Lanarkshire from James the High Steward after 1283, his authority being a charter in his own collection,[4] the terms of which, however, he does not communicate. The earliest known connection of the Douglas family with the lands of Lugton is in the reign of King David the Second, when that monarch granted a third part of that territory to Henry of Douglas, a member of the Dalkeith branch of the family;[5] but the name of Douglas of Lugton was not assumed until a later period. Chalmers's statement accordingly appears to be incorrect, and the husband of Elizabeth Stewart could be no other than the only William Douglas of note then living, Sir William "Le Hardi." She predeceased him before 1289.

The second wife of Sir William of Douglas was Eleanor of Lovain or Ferrers, his rough wooing of whom has already been narrated. Blind Harry thinks that this English marriage did Douglas little good.

[1] Andrew Stuart's History of the Stewarts, p. 14.

[2] Barbour's Bruce (Spalding Club), p. 261.

[3] Andrew Stuart's History, quoting Barbour, p. 54.

[4] Caledonia, vol. i. p. 583.

[5] Registrum Magni Sigilli, p. 68.

"Becauss he had on Sotheroun sic thing wrocht,
His wyff was wraith ; bot it scho schawit nocht,
Wndyr cowart hyr malice hid perfyt,
As a serpent watis hyr tym to byt.
Till Douglace eft scho wrocht full mekill cayr."[1]

On her husband's arrest and imprisonment in the Tower of London she left Scotland, and made application to Edward for sustenance out of her English lands, these being at the time forfeited in the king's hands. Edward granted her the manor of Wodeham Ferrers, which formed part of the dowry she had brought to Sir William of Douglas out of the lands of her former husband. The manor had been recently valued at £16, 2s. 6d. annually, and out of this revenue Eleanor, Lady Douglas, was to take £10 yearly for her own sustenance, and pay the balance into the king's exchequer.[2] She survived her husband, and after his death obtained from the English king her dowry out of Douglas's lands in Scotland, an order being sent to the Chancellor of Scotland to assign her a reasonable dowry, according to Scottish law and custom.[3]

Sir William of Douglas left three sons, James, Hugh, and Archibald, of whom the first only was the offspring of Elizabeth Stewart. The chroniclers ascribe to Sir William four sons, two by each of his wives. No evidence as to a fourth son has been obtained, but it has been ascertained that Hugh and Archibald Douglas were the sons of Eleanor de Ferrers. Of the three sons of Sir William Douglas "Le Hardi" the memoirs follow.

[1] Blind Harry's Wallace, by Jamieson. vol. ii. p. 277.

[2] Stevenson's Historical Documents, vol. ii. p. 235.

[3] Rolls of the Parliaments of England, vol. i. p. 470. Aù re Seingnr. le Rei prie Alianore de Ferrers qe fu la femme Monsr. Williame de Douglas q'ele peut aver soen douayre q. a ly a peut des terres qe furent au dit Monsr. William ai Roiame d'Escoce.

H'eat Bre. Canc. Scoc. qd. assignet ei dotem suam rõnabilem scđm legem et consuetud. ꝑcium illar'.

V.—1. SIR JAMES OF DOUGLAS, LORD OF DOUGLAS,

COMMONLY CALLED THE GOOD SIR JAMES.

1298—1330.

AMONG the many heroes of the wars for Scottish independence whose names are cherished in the remembrance of a grateful posterity, the Good Sir James of Douglas takes rank with Wallace and the royal Bruce. Succeeding to the misfortunes of his heroic but martyred sire, and withal inheriting his dauntless and unbroken spirit, Scotland had no more successful champion for her liberties and freedom than the "doughty Douglas." Side by side with his king, he laboured with unfailing fidelity and devotion amid dangers, privations, desertions, defeats, painful toilings, and hair-breadth escapes, until by a series of successes, to which he largely contributed, his country was redeemed from an alien yoke, and he had at length the satisfaction of seeing the independence of his country settled on a basis of enduring stability. No wonder he was beloved of his sovereign, and intrusted by him when dying with a most sacred mission,—to bear his heart to the Holy Sepulchre at Jerusalem; nor less wonder can it be that the story of his life and deeds of chivalry are recounted to the youth of every succeeding generation, as an example alike of pure and ardent patriotism and of heroic daring.

So closely associated with King Robert the Bruce in all his sufferings and wanderings, as also in his victories and ultimate success, was Sir James of Douglas, that the historians of the one cannot discharge their task without

in large measure detailing the history of the other. Hence in the noble epic poem of Barbour, which traces the life and battles of "The Bruce," the Good Sir James occupies a position little inferior to that of the king himself.

When Sir William of Douglas, the father of Sir James, was imprisoned in the Tower of London, and the lands and castle of Douglas conferred upon Sir Robert Clifford, one of King Edward's favourites, Sir James Douglas was still but a youth,

"ane litill knaf
That was than bot ane litill page." [1]

He resolved to seek refuge from danger in France, and accordingly passed over to Paris, where for three years he lived in a simple manner. Tidings then came of his father's death in prison, and in the hope of redeeming his estates and his countrymen out of thraldom, he returned to his native land, betaking himself, in the first instance, to William of Lamberton, bishop of St. Andrews. He was courteously received, and was at once placed by the bishop among his retinue, remaining for a considerable period, beloved and esteemed by all his associates.

Barbour presents his readers with a description of the good Sir James, which, as it was obtained from those who had seen the hero, may be accepted as tolerably accurate. Douglas, he says, was of a commanding stature, well-formed, large-boned, and with broad shoulders. His countenance was somewhat dark, but frank and open, set off by locks of raven hue. Courteous in his manner, wise though retiring in his speech, by a slight lisp in which he resembled the "good Hector of Troy," and gentle in all his actions, he won the hearts of his countrymen. In battle, however, he presented a front altogether terrible to his foes; and at all times was a determined enemy to everything treacherous, dishonourable, or false.

[1] Barbour's Bruce, Spalding Club edition, p. 13.

When King Edward was engaged in the siege of Stirling, so bravely defended against him and the flower of the English army by Sir William Oliphant and a mere handful of Scottish soldiers, or perhaps after it had surrendered, Lamberton visited the king, taking with him Sir James Douglas. Many of the Scottish barons were present to do homage, amongst whom Lamberton led his youthful ward into the royal presence, and craved that he also might be permitted to tender his homage, and receive back his heritage. "What lands does he claim?" inquired the king. "The lordship of Douglas, if it please your Majesty," replied the bishop, "for his father was lord and owner thereof." The wrath of Edward was at once aroused, and in a tone which admitted of no question, he commanded the bishop to address him no further on such a subject. "Let the youth," he said, "seek lands where he can. As for those of his father, who was a rebellious subject, and died for his felony in my prison, I am his rightful heir. My loyal Clifford has received the lands, and possess them he shall."[1] Without another word, Lamberton and Douglas withdrew from Edward's presence; and the latter, convinced of the hopelessness of expecting any favour from the English king, returned with the bishop to form his own plans for the recovery of his inheritance.

The progress of events at last brought the wished-for opportunity. Scotland was, indeed, more than ever prostrate at the feet of Edward. Wallace and his brave associates were dead or dispersed. Yet the friends of liberty, though compelled to maintain an outward show of fealty and submission to the man who had obtained possession of their country by taking advantage of its misfortunes, nursed hopes of ultimate victory, and longed for the opportunity of realising their aspirations by deeds of bravery. Even during the siege of Stirling, whither they had gone to renew their homage to Edward, Lamberton and Bruce had met at Cambuskenneth, and entered into

[1] Barbour's Bruce, p. 18.

a solemn bond for mutual defence in all their future actions, with the significant stipulation that neither should attempt any hazardous undertaking without acquainting and consulting the other.[1]

Bruce and Sir John Comyn, as is well known, had also entered into mutual understandings for the recovery of the national independence; but strong suspicions of the treachery of Comyn in regard to these led to his assassination by Bruce at the high altar of the church of the Friars Minorites of Dumfries. Bruce had already been doomed to death by Edward, and as his case was as desperate as it could be, he resolved to claim the crown of Scotland and raise the standard against Edward. He acquainted Lamberton with what he had done, and with his intentions, tidings so agreeable to the bishop, that on receiving the letter he summoned all his retainers and read it to them, adding that he hoped the prophecy of Thomas of Ercildoun would now, by the help of God, be verified, and Robert the Bruce succeed in delivering the country.

Barbour relates that Lamberton had no more attentive listener than Sir James Douglas, who, at the conclusion of the repast at which the communication was read, sought a private interview with the bishop. "You know, sir," said Douglas, "how that the English have disinherited me, and are all in arms against the Earl of Carrick for killing that man, and he claims to govern the country; therefore, sir, if it please you, I would fain share his fortunes, be they good or ill; and I hope through him to win back my lands in spite of the Clifford." The bishop was well pleased at the youth's determination, but to save the appearance of complicity counselled him to depart secretly. He also gave him his blessing, some money, and leave to appropriate his own palfrey, Ferand, with permission, if his groom objected, to take the steed in spite of him, a liberty of which Douglas had to take advantage, for the

[1] Palgrave's Documents and Records, Scotland, vol. i. p. 323.

fellow resisted so stubbornly that, according to the old chronicler, Douglas

"Fellit him with ane suerdis dint,"

before he could saddle the horse and go forth. No leavetakings retarded his departure, and probably within a couple of hours after hearing the letter from Bruce read, he was on his way, alone, to join him at Lochmaben. Leslie adds that he was also the bearer of a considerable sum of money from Lamberton to Bruce, to aid him in his efforts.

Bruce had already set out on his way to Scone to be crowned, and Douglas met the cavalcade at Erickstane,[1] a lofty hill at the head of Annandale. Dismounting from his palfrey, Douglas, on bended knee, hailed Bruce as his rightful sovereign, made known who he was, and declared his wish to share the fortunes of his king. Bruce gladly received the young and ardent adherent, and knowing the prowess of his family, at once gave him a command in his small army.[2] He accompanied Bruce to Glasgow and afterwards to Scone, where, on the 27th of March 1306, the coronation of the rightful king was effected with all the solemnities possible under the circumstances, for Edward had carried off the regal insignia. Here Godscroft represents Sir James of Douglas as taking part in an ancient custom, which consisted in piling up a little hill of earth, formed by contributions from the estates of the landed proprietors in the kingdom, who thereby performed an act of homage to the newly crowned king, and recognised his superiority over their possessions. The hillock thus created was called Omnis Terra, and Sir James of Douglas is said to have added to it some of the soil from the lands of Douglas.[3]

[1] To an immense hollow, square in form, made by the meeting of four hills at this point, tradition gives the name of "The Marquis of Annandale's Beef-stand," from the circumstance that the Annandale reivers were wont to use the place for the concealment of stolen cattle. The place is also popularly called "The Deil's Beef-tub." It is described by Sir Walter Scott in "Redgauntlet."

[2] Barbour's Bruce, p. 31.

[3] History of the Houses of Douglas and Angus, p. 24.

A few months after this auspicious commencement the brightening hopes of the new Scottish Court were sadly beclouded by the defeat of Bruce at the hands of Aymer de Valence in the battle of Methven. With difficulty escaping capture, Bruce found himself on the morning after the battle surrounded by only a faithful few, among whom were his brother Edward, the Earl of Athole, Sir Gilbert Hay, Sir Nigel Campbell, and Sir James Douglas. For a time the mountains of Athole afforded them shelter and protection; but at length, worn out with their sufferings and privations, and their numbers becoming constantly reduced, the little band ventured to the town of Aberdeen. Here they were joined by the Queen, Sir Nigel Bruce, and the wives of some of the companions of Bruce, who had resolved to accompany their husbands and share their privations, if unable to add aught to their solace. After a short stay in Aberdeen the small party, thus increased, were forced by their enemies to resort again to the hills towards the source of the Tay. The presence of the ladies afforded an agreeable diversion amid their privations, and for their subsistence, the stern warriors vied with each other in the chase or in the more ingenious devices of snaring game, which they brought as spoils to their gentler companions. In these sports none excelled the youthful Douglas, while his native buoyancy and ready wit cheered and consoled the hearts of all, and encouraged even Bruce himself, on whom the care of all depended.[1]

Brought in the course of their wanderings to the borders of Argyll, the king and his companions were suddenly beset by a force, numbering over a thousand men, under the leadership of the Lord of Lorn, who was related by marriage to the Comyns. In the conflict which ensued both Sir James Douglas and Sir Gilbert Hay were wounded, but the personal prowess of Bruce compelled his opponent to withdraw such of his caterans as had not been slain. The fear of more such encounters and the approach of winter,

[1] Barbour's Bruce, p. 46.

which had already sent forth its harbingers in the shape of "cald, and schouris snell," resulted in the ladies of the party being sent under the care of Sir Nigel Bruce and the Earl of Athole to Kildrummie Castle, which was expected from its great strength to stand a siege of any duration if provided with plenty of provisions. Bruce himself, with two hundred followers, resolved to seek shelter in one of the Western Islands, and having given up all their horses to the ladies, and those who were to convoy them, they began their journey on foot. Retreating through Perthshire, they gained the shores of Loch Lomond, but were here brought to a stand for want of the means of transport. To walk round the loch was attended with no little risk, while their enemies were on their track. From this danger the party escaped by Sir James Douglas discovering, sunk under the water near the shore, a very small boat, sufficient to carry over two at a time, with another to row. Bruce and Douglas were the first to cross, but it took all that night and the following day to complete the transport, even with some of the men swimming; and during the weary task Bruce beguiled the impatient hours with stories of romance and chivalry.

When all had crossed, the company was divided into two parties, under the command respectively of Bruce and Douglas, each of which went in search of game or food of some kind. Scant success fell to the lot of either, but an unexpected and affectionate meeting took place between Bruce and his steady adherent, Malcolm Earl of Lennox, when the immediate wants of the fugitives were abundantly attended to, and a secure though short rest obtained. At such a juncture, however, the neighbourhood of Argyll was no sure refuge for Bruce, and Sir Nigel Campbell having procured shipping, with the necessary stores, the king took leave of his kind entertainer, and set sail for Kintyre. Thither Lennox was immediately compelled to follow, and thereafter shared the fortunes of his royal master. It was in recognition of his kindness at this time that Bruce, after the battle of Bannockburn,

granted to him the privilege of girth or sanctuary for three miles round the church of Luss, as well on water as on land.[1]

A few days were spent in Kintyre with Angus of Isla, who placed at Bruce's disposal his castle of Dunaverty, and then, with his following increased to three hundred, the king crossed to the little island of Rachrin, on the Irish coast, to spend the winter.[2] But while this afforded them shelter and safety, the ladies and those who had remained to defend them in Kildrummie Castle, had fallen into the hands of Edward, from whom they received little mercy.

The sojourn in Rachrin was but a weary solace to men of active and anxious minds. Barbour represents Sir James Douglas as angry at the protracted but enforced idleness, and also at the cost and trouble which their stay was entailing upon the poor inhabitants of the hospitable island. He accordingly, as soon as the season permitted, proposed to Sir Robert Boyd that they should make a descent upon the island of Arran, and wrest the castle of Brodick out of the hands of the English. Boyd at once consented, and from his intimate personal knowledge of the district, and the castle itself, presaged a successful issue. They intimated their purpose to the king, and here Godscroft narrates the well-known incident of Bruce and the spider, but instead of making Bruce the spectator of the insect's efforts, successive failures and final achievement of its purpose, gives that position to Sir James of Douglas, who related it to the king in the course of a consultation respecting their future procedure.

"Sir," says Douglas, "I being somewhat solitary in the fields, seriously contemplating of your affairs, and casting my eyes about, I espied a spider climbing by his web to the height of a tree, and at twelve several times I perceived his web broke, and the spider fell to the ground. But the thirteenth time he attempted and climbed up the tree without difficulty.

[1] The Lennox, by William Fraser, vol. i. pp. 236, 237. [2] Barbour's Bruce, pp. 70-76.

So, sir, although fortune hath shewn herself adverse towards you in twelve several battles and encounters whereby your majesty is driven to this exigence as to take the Hebrides for your refuge, my advice is to follow the example of the spider, to push forward your majesty's fortune once more, and hazard yet our persons the thirteenth time, and I trust in God he shall give a happy and prosperous event to our enterprise. Which counsel, being heard by the king, after mature deliberation, the opinions of all being thoroughly examined, the conclusion was that the Lord Douglas, accompanied with forty men, should sail to the isle of Arran (as then commanded by the English) and attempt with these small forces, assisted, as they hoped, by the inhabitants, to recover the place for their own use."[1]

Having matured their plans, Douglas and Boyd set sail for Arran, where they arrived in safety by night. Next morning they waylaid the underwarden of the castle, on his landing with a cargo of provisions, arms, and clothing. They slew most of the soldiers and carriers, chased the rest within the gates of the castle, and then retired with their booty to a narrow but secure gorge in the neighbourhood, where in a few days they were joined by Bruce with the rest of his party. From Arran a messenger was despatched to discover the condition of Carrick, and signal to the king if affairs were ripe for an attack. The signal decided on, the lighting of a fire on the heights near Turnberry Castle, was unwittingly given by some one, whereupon Bruce and his whole party set sail for Carrick. Proceeding to his own castle of Turnberry, occupied at the time by Percy and a large force of the English, Bruce laid waste in the night-time the whole district in the immediate vicinity, slew all the dependants and soldiers quartered in the houses, and carrying off great spoil, fortified himself in the hills.

Encouraged by this success, Douglas meditated striking a blow at the wrongful possessors of his own inheritance, and having obtained Bruce's

[1] Godscroft's MS. History, p. 44.

permission, he set off for Douglasdale accompanied by only two yeomen. In disguise he reached his native valley, and having privily sought out his father's sturdy and faithful henchman, Thomas Dickson, was cordially and affectionately welcomed, and secreted in his house of Hazelside. Here Dickson night after night brought to his young lord one by one the most trustworthy and devoted of his father's vassals, who, overjoyed to see the son of their former lord, swore to give him their loyal and unyielding support. These furnished Douglas with all the information needed to mature his plans, and he speedily revealed to them the plot he had formed for the overthrow of their English oppressors. It lacked but a few days to Palm Sunday, when the garrison of Douglas Castle would march out in force to the neighbouring church of St. Bride. Douglas, too, would be there in the guise of a peasant, bearing a flail, his armour covered with a mantle, while his men would also present themselves armed, though outwardly in the guise of peaceful worshippers. The signal for the united onset was to be their war-cry "Douglas."

The English had not the slightest suspicion of the terrible surprise that was in store for them, and with unusual carelessness the castle was left in the sole care of the porter and the cook. All had come forth to the solemnity, and had almost filled the little church, when the dreaded slogan burst forth, and they were suddenly attacked both from within and without the edifice. The signal had been somewhat premature, before Douglas himself was on the spot, one result of which was that his faithful vassal Dickson was stricken down before assistance could be rendered.[1] The English soldiers made a desperate resistance, but inspired by

[1] Tytler, Sir Walter Scott, and Godscroft, all state that Dickson was killed in this encounter, but the narrative by Barbour implies no more than that he was placed *hors de combat* in the beginning of the mêlée. The slogan having been raised too soon, Dickson and another rushed into the church and began to lay about them,

"Bot tha in hy war left lyand."

Shortly after this, the barony of Symington,

the intrepidity and courage of their leader, Douglas's men were completely victorious. The castle was next entered, and finding there the repast which had been prepared for the slaughtered garrison, Douglas and his followers sat down and enjoyed it at their leisure. They afterwards removed from the castle everything that was valuable or costly. Then gathering together all the remaining provisions, malt, corn, flour, they tossed them in a heap into the wine cellars, staved in the heads of the casks of liquor, beheaded their prisoners, and flinging their bodies, and those of their fellows who had fallen in the church, indiscriminately with the carcases of dead horses into the foul mass, set fire to the pile, and reduced all with the castle to ashes. The memory of this ghastly deed is preserved in the traditions of Douglasdale by the name of the "Douglas Larder."[1]

According to Barbour, Douglas did not return at once to King Robert, but lurked quietly among the hills of his own lands, though Godscroft thinks, and with probability, that he must have rejoined Bruce. Meanwhile Sir Robert Clifford, on hearing of the destruction of the castle, came from England with a large staff of workmen, and having rebuilt the edifice, left it in charge of a captain named Thirlwall. No sooner, however, had Clifford retired than Douglas resolved to test the mettle of this new warden, and placing an ambuscade on the lands of Sandilands, at some distance from the castle, in the early morning he sent a few of his men to drive off some cattle that were pasturing under the walls of the fortress. They did so, and drove them towards the spot where Douglas and his men lay concealed, while a number of the garrison, led by Thirlwall, started in pursuit. As soon as the latter had passed the ambush they were assailed both in front and rear, and in the

in Lanarkshire, was bestowed by King Robert the Bruce upon Thomas, son of Richard, [Registrum Magni Sigilli, vol. i. pp. 15, 78], and the family then assumed the surname of Symington. His descendants held both Symington and Hazelside long afterwards. [The Upper Ward of Lanarkshire, by Irving and Murray, vol. i. p. 188; vol. ii. p. 139.]

[1] Barbour's Bruce, p. 115.

conflict Thirlwall and several of his men were slain, a few escaping by flight to the castle, closely pursued by Douglas, who, however, was unable to capture the castle on this occasion.[1]

Having obtained information that the Earl of Pembroke was on his way from England with a large force, which included John of Lorn and Bruce's own nephew Randolph, who had joined the English after being taken prisoner at Methven, Douglas hastened to Cumnock to warn the king and aid him in the emergency. It was at this time that the well-known adventure of Bruce with the sleuth-hound and John of Lorn took place, when he and his followers were so separated that the king was left alone. He was immediately joined at an appointed rendezvous by Douglas and a mounted force, and seizing, by Douglas's information and advice, an opportunity when the English, thinking themselves victorious, were lying careless and insecure, they inflicted on one of their largest outposts a crushing defeat. Bruce then made himself master of Kyle and Cunningham, compelling the inhabitants to acknowledge him as their king. Thereupon Pembroke despatched Sir John de Mowbray[2] from Bothwell with a thousand men into that district. But Sir James Douglas, with sixty men, posting himself at a place called Ederford, in the only way by which Mowbray could pass, a narrow defile flanked on both sides by morasses impassable for horse, quietly awaited the approach of the English. No sooner had their vanguard, headed by Mowbray himself, reached the spot, than it was vigorously attacked by Douglas and his men, who, strewing the pass with the bodies of their foes, cut off the retreat of the English leader, and forced his followers to fly. In desperation Mowbray cut his way through the lines of the Scots, and effected his escape to the castle of Inverkip, then garrisoned by his countrymen. This success was followed by a victory on the part of Bruce, who defeated Pembroke at Loudoun

[1] Barbour's Bruce, pp. 140-142.

[2] Barbour gives the name as Sir Philip de Mowbray, but Tytler supposes it rather to be John.—[History of Scotland, vol. i. p. 240.]

Hill on 10th May. Pembroke retreated to Ayr Castle. Three days later, it is said, a second army, under the command of Ralph de Monthermer, Earl of Gloucester, suffered a still more disastrous defeat, and was chased to the same refuge, to which Bruce laid siege, but was compelled to raise it, and betake himself to the hills on the approach of another army of relief.[1] Some sharp skirmishes in Glen Trool, which afterwards took place, so disorganised the plans of the English that Pembroke was forced to retire into England.

Edward now saw that if the English crown was to retain its hold upon Scotland, he must as formerly command his troops in person. Summoning an immense army to meet him at Carlisle, he placed himself at its head and commenced his march. But "the Hammer of the Scots" had already stricken his last blow. He expired, on the 7th July 1307, at Burgh-upon-Sands, a small village a few miles distant from Carlisle, commending with his last breath and in most solemn terms, the completion of his task to his son and successor.

Under Edward the Second of England the army collected by his father only marched to Cumnock, and retired again into England without accomplishing anything. Another army under John of Brittany, Earl of Richmond, the newly appointed Warden of Scotland, is said to have inflicted a defeat upon Bruce, and to have rendered it expedient for him to retire into the north of Scotland.[2] But the probability of any such battle is greatly weakened by the fact that every historian, save one anonymous chronicler, is silent on the subject, and that when Bruce went north with the object of reducing the English garrisons there and the recalcitrant Scots, he left Sir James Douglas in the south to reduce the border districts of Selkirk and Jedburgh.[3] Douglas began this task by a third attack on his own castle in Douglasdale, which had become so famous in the annals of chivalry

[1] Scalacronica, p. 132; Trivet's Annals, p. 413; Hemingburgh, vol. ii. p. 265.
[2] Tytler's History of Scotland, vol. i. p. 245. [3] Barbour, p. 188.

that it was known as "the Adventurous Castle."[1] The story is told of a wealthy heiress of noble English birth, beset with suitors, assembling them all at a festivity, and a minstrel having sung the deeds of the redoubtable Douglas in his own lands, and the danger of holding such a hazardous but honourable post as Douglas Castle, she openly declared her intention to bestow her hand upon the knight who should hold it for a year and a day in the interests of the King of England. Of all the knights who surrounded her table only one, Sir John de Wanton,[2] was found brave enough to accept the conditions. His offers to hold the post were accepted, and he it was who, at this time, was in command of Douglas Castle, with a stronger garrison than any of his predecessors.

Understanding that the castle was not over-well stocked with supplies, Douglas conceived a stratagem whereby he might draw out the governor with his troops into an ambush, and then overthrow them. On the morning of a great fair day at Lanark, after placing his men in ambush at a convenient spot, he instructed fourteen of them to fill sacks with grass, throw them over the backs of their horses, and concealing their armour under countrymen's frocks, to drive their beasts past the castle, as if they were traders on their way to market. The passage of the large cavalcade with provender so much needed by the garrison was reported to Sir John de Wanton, who at once ordered his men to start in pursuit, and rode at their head. They passed the ambuscade unheeded, and drew near their supposed prize, when suddenly the sacks were thrown away, the rustic garments followed, and Douglas's men leaping on their horses, the English were confronted with a body of well-armed and resolute warriors. Sir John de Wanton at once attempted a retreat to the castle, but only turned to find

[1] Sir Walter Scott's novel "Castle Dangerous" is based upon the incidents of this third assault by Douglas upon Douglas Castle.

[2] Barbour calls him Sir John Webetoun, but Tytler is of opinion that it should be Wanton.—[History, vol. i. p. 251.]

himself beset on all sides, and in the struggle which ensued the garrison were overpowered and nearly all slain, with their commander. On his dead body, it is said, was discovered a letter from the lady, in the hope of whose hand and heart he had accepted his fatal post. Douglas next proceeded to the castle, which was yielded up to him. On their surrender he not only spared the lives of the English soldiers who had remained therein during the affray, but dismissed them with marks of kindness to their own country. On this occasion Douglas razed the castle to the ground.[1]

For some time after this exploit, the reduction of the English strongholds in the forests of Selkirk and Jedburgh occupied Douglas fully, and it was during this period that he captured Randolph, Bruce's nephew, who was fighting in the English interest against his uncle. Approaching one night a solitary house on the banks of the Lyne in the moorland district of Tweeddale, where he intended to lodge, he heard strange voices which yet were not altogether unknown. He surrounded the building with his men, and was successful, after a stubborn contest, in making prisoners of Randolph and Alexander Stewart of Boncle, the latter being Douglas's own cousin, while a third, Adam of Gordon, effected his escape. This capture was one of the most important events of the campaign, and after feasting his two prisoners, Douglas hastened on the following day to place them at the disposal of the king. For rashly and imprudently defying his uncle's right to arraign him, Randolph was committed for a time to close confinement; but better thoughts prevailed, and on submission he was created Earl of Moray, and by his brave and daring deeds amply redeemed his former unpatriotic conduct.

Bruce, despite a serious illness, had carried out a most successful campaign in the north of Scotland, in the course of which he inflicted that terrible vengeance on the Comyns and their country known as the "harrying of

[1] Barbour, pp. 188-191.

Buchan." His brother Edward, too, in conjunction with Douglas,[1] had completely subjugated the district of Galloway, while Douglas had given good accounts of the districts allotted to his care. With the forces of Douglas united to his own, the king now determined to pay part of his debt to the Lord of Lorn, and made an incursion into his territory. Lorn posted his men on the heights above the well-known Pass of Brander, at the foot of the majestic Ben Cruachan; but Bruce, informed of his intention, sent Douglas with a body of archers by a circuitous route, to take possession of the higher parts of the mountain. On entering the Pass the royal army were immediately assailed with shouts by Lorn's Highlanders, who detached great stones and rolled them down the precipitous slopes, then dashed forward to the attack. Already the nimble, light-armed soldiers of Bruce were far up the hill to meet them, and when the onset began the Highlanders were unexpectedly attacked by Douglas and his archers in the rear, and broke and fled. The troops of Lorn sustained great slaughter in the pursuit, and Lorn fled, after having, from his galleys in Loch Etive, beheld his own defeat, which he was powerless to prevent. Bruce then laid siege to the castle of Dunstaffnage, occupied by the father of John of Lorn, Alexander of Argyll, who was compelled to surrender and swear homage to the king.

After some further successes, among which was the capture of the castle of Rutherglen, Bruce assembled his first Parliament at St. Andrews towards the close of the year 1308 (16th March). Douglas was present as one of the barons of the realm, and took part in sending the letter to Philip the Fourth of France, who had, by his ambassador, asked assistance in his crusade against the Saracens—a letter in which the Scots state their sincere sympathies with the object of the request, but also that they are necessitated to defer participation until their own kingdom had been delivered from oppression and the grievous storms of war.[2] This was just such a reply as might have

[1] Chronicon de Lanercost, p. 212. [2] Acts of the Parliaments of Scotland, vol. i. p. 459.

been expected from Bruce and Douglas and their compatriots, and one in which the entire community would heartily join, they having been taught by their patriotic bishops that to fight against the King of England was as meritorious as warring with the Saracen in the Holy Land.[1] At length, too, the fruits of their heroic efforts were appearing, for Bruce was distinctly acknowledged by the French king as King of Scotland, and assured of his sympathy and friendship. This was frequently shown by the intervention of Philip of France in behalf of the Scots with the King of England.[2] The Pope also favoured the cause of Scottish independence.

William Lamberton, Bishop of St. Andrews, and Robert Wishart, Bishop of Glasgow, had, shortly after the coronation of Bruce in 1306, been seized by Edward the First and imprisoned in England. Two years afterwards Pope Clement the Fifth wrote to Edward the Second demanding their liberation, and requesting that sovereign to refrain from interference in matters ecclesiastical. Edward at once gave some enlargement to Lamberton, but declined at first in the case of Wishart. Lamberton renewed his oath of fealty to Edward in August 1308, and on the 16th of February 1309-10 he was appointed one of several commissioners to conclude a truce with the Scots.[3] The Bishop of St. Andrews seems to have inspired the King of England with a remarkable degree of confidence in his fidelity, so that he was not only permitted but urged to remain in Scotland in the English interest, and Edward not once, but four times between July 1311 and December 1312, implored the Pope to excuse the absence of that bishop from the general council at Vienna, on account of the urgent necessity of his presence in Scotland, to promote and secure its tranquillity.[4] How much cause Edward had for such confidence may be inferred, not only from the entire absence of

[1] Palgrave's Documents and Records, Scotland, vol. i. p. 348.

[2] Rymer's Fœdera, vol. ii. pp. 63, 68, 79.

[3] Rymer's Fœdera, vol. ii. pp. 45, 54.

[4] *Ibid.* pp. 141, 158, 172, 190.

success in Lamberton's mission, but from the fact that, a few days after he had been intrusted with the commission to conclude a truce with the Scots, he presided over a general council of the Scottish clergy held in the church of the Friars Minorites at Dundee. His patriotic colleague, Wishart, Bishop of Glasgow, was also present, and a document was drawn up asserting and defending the right of Robert Bruce to the throne, acknowledging him as the lawful and crowned king of Scotland, engaging to defend him, and maintain the liberties and independence of the country against all enemies, and declaring all contraveners of their declaration guilty of treason.[1] This being a conclave of clergy, it seems probable that it would be secret, and its enactments unknown save to the King of Scotland and his chief adherents, otherwise it is difficult to account for the continued confidence of the English king in the Bishop of St. Andrews. The business of the truce seems to have been attended to afterwards, but it is said that the Scots insisted on receiving a good round sum of money before consenting to the overtures.[2]

The breathing space was but short. Bruce and his warlike followers were too eager to see the complete emancipation of their country to risk delays, and laying siege to Perth, provoked Edward to further invasions. Four expeditions successively entered Scotland, two of which were led by the English king in person; but Bruce was not to be found, and as the country had no entertainment for such guests, especially as it was suffering from a severe famine, the invaders were compelled to return almost as they came. It was now Bruce's opportunity, rendered all the more favourable by dissensions between Edward and his nobles. Collecting his forces from their scattered retreats, Bruce, about the middle of August 1311, made a sudden descent upon the North of England. Entering by the Solway,

[1] Acts of the Parliaments of Scotland, vol. i. p. 460.

[2] Tytler's History of Scotland, vol. i. p. 257.

he burnt and laid waste all Gillsland, a large portion of Tyndale and the town of Haltwhistle, returning after eight days with a great booty. In the following month a second invasion was made, this time through Northumberland to Durham, and so unexpected was the assault that most of the inhabitants were surprised asleep in bed. Douglas was despatched hence to Hartlepool and returned with numerous spoils, including many of the burgesses and their wives, who had to pay heavily before receiving their liberty. This expedition lasted for fifteen days, and was characterised by great severity. Warned by the fate of their neighbours, the inhabitants of Northumberland sent messengers to Bruce begging a truce of a few months' duration, for which they agreed to pay him two thousand pounds.[1] These invasions were repeated in the following year, when Hexham and Corbridge were burnt, and Durham was again visited, probably by Douglas, as Bruce remained at Corbridge. The attack was made on a market day, so that the spoils were vastly increased, and after much loss of life and property, the inhabitants purchased a brief truce for the payment of two thousand pounds, and permission to the Scots to march through the district unmolested whenever they pleased. Northumberland, Cumberland, Coupland, and Westmoreland purchased immunity for the same period, namely, till midsummer following, at the same rate, and as the money could not be obtained at once, they gave hostages for its payment. Nor was it forgotten to repeat the visit on the expiry of that truce.[2]

An attempt was made by Bruce upon the town of Berwick-upon-Tweed, which, but for the barking of a dog, would probably have succeeded. The garrison was alarmed in time, and repelled the invasion. Other fortresses were not so fortunate, and while Perth fell by the wit and stratagem of Bruce, and Edinburgh by the daring of Randolph, the strong and important fortress

[1] Chronicon de Lanercost, pp. 216, 217; Hemingburgh's Chronicle, p. 294.

[2] Chronicon de Lanercost, pp. 219, 220, 222.

of Roxburgh owed its reacquisition by Scotland to the ingenuity and prowess of Sir James Douglas. It lay in the district which had been assigned to him as the special field of his labours, and Douglas was not the man to leave anything undone which would tend to the success of his mission. When the force of arms was not likely to succeed, he was as fertile in stratagem as he was courageous in combat.

The ruse resorted to in the taking of this castle, as related by Barbour and others, approaches the ridiculous. Choosing an occasion on which the garrison were likely to be engaged in the enjoyments of a religious festivity, the evening of Shrove Tuesday, the 27th or 28th of February 1312-13, Douglas caused his trusty followers to don black gowns over their mail, and imitate his example. Throwing himself upon all-fours in the darkening twilight, he slowly approached the castle. The band were observed from the walls, but so well was the assumed character sustained, that the sentinel merely observed to his comrade that at least one of the neighbouring husbandmen was bent on enjoying himself, as he had left all his oxen out, and was met with the rejoinder that no doubt it was so, though he ran considerable risk of losing them, seeing the Douglas was in the vicinity.

The black oxen at length reached the foot of the castle walls. Here they assumed new forms, and threw to the summit of the wall a strong hempen ladder fitted with an iron hook, made specially for this expedition by one of Douglas's followers, Simon of the Leadhouse, who was also the first to ascend. Attracted by the click of the iron on the wall, one of the soldiers on guard rushed to the spot, and attempted to unfix the ladder on which the invaders were now ascending. One deadly blow of Simon's knife terminated the attempt, and the body was thrown over the wall for the encouragement of his comrades. Another of the garrison came up at this moment, and seeing Leadhouse standing alone in a costume differing from that of the English soldiery, at once gave him battle. But he too was over-

powered. The rest were engaged in jovial merrymakings in the hall, quite unsuspicious of danger, when their mirth was rudely interrupted. The cry of "Douglas! Douglas!" resounded through the chamber, and the unarmed and defenceless revellers were mercilessly slain. The captain of the castle, Gilmyn de Fiennes, succeeded with a few of his men in reaching the tower, which they barricaded and held for a short time against the Scots. But, after receiving a severe wound in the face, De Fiennes capitulated, on condition of being permitted to pass in safety with his men into England. He was accordingly escorted to the Borders, but only to die shortly afterwards from the effects of his wound. Roxburgh Castle was then destroyed by Bruce's orders, and this measure had the effect of reducing the whole of Teviotdale to his allegiance.[1]

Edward Bruce, the brave and chivalrous brother of King Robert, bore no small share in the victorious progress of the Scots towards their final emancipation from English thraldom. It was to a somewhat rash challenge thrown out by him to the English governor of Stirling that the eventful battle of Bannockburn was due. That battle was fought on 24th June 1314, in the vicinity of Stirling, where Bruce with his staunch commanders, Randolph, Edward Bruce, Douglas, and Walter the High Steward, and his army of thirty thousand men, chiefly infantry, had previously posted themselves to await the arrival of the English. The left wing was intrusted to Douglas and Walter the High Steward, Randolph being in command of the centre, Edward Bruce in command of the right wing, while Bruce himself remained with the reserve of cavalry.

The English host, estimated at one hundred thousand men, had reached Falkirk, and were beginning the last stage of their march. Douglas and Sir Robert Keith, Marischal, were despatched by King Robert to reconnoitre, and came back with the report of the vastness and splendour of the advancing

[1] Barbour's Bruce, pp. 232-237.

army. This information, however, was not imparted to the Scottish troops, though it served to make their leaders more wary and cautious. On the day preceding the decisive struggle, the two armies came into each other's view, and a collision took place the same day, in which was strongly brought out the generosity of Sir James Douglas. King Edward of England had despatched a strong body of cavalry, under the command of Sir Robert Clifford, to relieve the English garrison in Stirling Castle. Clifford, unobserved by the Scots, was well on his way to the castle, when the watchful eye of Bruce detected the attempt, and Randolph, whose duty it appears to have been to frustrate any such efforts, was gently chid by his royal uncle for his neglect. Randolph immediately set off to repair the error, and a sharp skirmish ensued between his party and that of Clifford. Douglas, who stood with Bruce watching the encounter, begged hard for leave to go to his assistance, but Bruce refused, fearing to break up his lines, until Douglas, no longer able to stand by and see his friend worsted, and perhaps slain, insisted on going to his aid. He obtained a reluctant permission. But before he had gone half-way he saw that Randolph had already secured victory, and, unwilling to detract from the honour due to the victor, he returned with his men without offering assistance.

Before the engagement on the following day Douglas, with Walter the High Steward, and many others, received the honour of knighthood in presence of the army. The battle of Bannockburn has often been described in works of general history, as well as in special accounts, and need not be narrated here. Details of his personal prowess have not been handed down, but we may be sure that Douglas bore his full share in the action all through that eventful day; and when the English host had given way, and their king sought safety in flight, Douglas begged and obtained leave to pursue him. With but sixty horsemen he started in the wake of the royal fugitive, who was surrounded by five hundred. On the way Douglas was joined by a

kinsman of his own, Sir Laurence of Abernethy, who until then had adhered to Edward, and was on his way to join the English army with a small contingent of eighty men. On being informed by Sir James of Douglas of the result of the battle, he at once transferred his allegiance to King Robert, and joined in the pursuit of his late master. With his small company, Douglas did not deem it prudent to risk an open attack on King Edward's escort, but by keeping close on their rear and cutting off any who lagged or straggled, he forced them to speed their course. The retreating party were overtaken at Linlithgow, and a halt for rest was made at Winchburgh, but Douglas, by hovering on the outskirts of the English camp, obliged them to make it of very short duration. The flight was then continued to Dunbar, where the Earl of March received King Edward into his fortress, while his escort, still followed by their pursuers, only found refuge in Berwick-upon-Tweed. But the castle of Dunbar was no secure refuge for the English king, and he was fain to escape from Scotland in a small boat furnished by his host.

Though practically deciding the long contested question whether or not Scotland should be independent of England, the battle of Bannockburn did not conclude hostilities between the two nations. On the motion of Bruce, negotiations for peace had been entered into,[1] but failed, and for thirteen years an intermittent warfare was still waged. To Sir James of Douglas was committed the difficult task of clearing and guarding the marches, and to no knight more brave or more devoted to his country could this work have been intrusted. His personal prowess and daring were such that while his own followers were inspirited and animated by his example, the English were inspired with terror at his appearance, and even at the mention of his name. Mainly through his efforts the attempts of the English to regain the prestige they had lost at Bannockburn were defeated, and a

[1] Rotuli Scotiæ, vol. i. pp. 131-133.

succession of brilliant victories added to his country's battle-roll. He was esteemed, says Froissart, "the bravest and most enterprising knight in the two kingdoms," and Barbour adds that the dread of his name was so great in England, and especially in the Marches, that mothers used the name of the "Blak Douglas" to frighten their children with.[1]

About the beginning of August, Edward Bruce, Douglas, and John of Soules, at the head of a large army, made a raid into England, near Berwick, and passed through Northumberland and Durham to the river Tees, even crossing it and penetrating to the town of Richmond. Their course was marked by fire and slaughter, the inhabitants of the invaded districts fleeing to the woods and castles for refuge, or with their cattle and sheep being driven before the Scottish soldiers. Durham and the surrounding district, however, escaped the flames by purchasing immunity for a large sum. The incursion appears to have been made in several detachments for the sake of covering a larger area, but in returning the Scots united their forces at Richmond, and went back by Swaledale and Stanmoor, burning Brough, Appleby, Kirkoswald and other towns, and destroying the crops. The inhabitants of Coupland followed the example set by Durham, and secured exemption on this occasion by sending messengers with a large ransom.[2]

A few months' rest followed, during which Douglas attended the Parliament held by King Robert Bruce at Cambuskenneth, in the early part of November,[3] when an important Act was passed regarding those Scots who

[1] Barbour's Bruce, p. 360. Some of the old chronicles relate an incident of the siege of Roxburgh: A soldier's wife quieting her child with this threat, but finding it have the contrary effect, hushed it with the assurance that the Black Douglas should not get it. "You are not so sure of that," said a strange voice, and to her terror she saw the Douglas by her side. [2] Chronicon de Lanercost, p. 228.

[3] Acts of the Parliaments of Scotland, vol. i. p. 464. Douglas was a witness to charters granted on this occasion.—Registrum de Dunfermelyn, p. 229; and Miscellany of the Spalding Club, vol. ii. p. 211.

had not yet tendered their allegiance to Bruce, and then, in the end of December, the Scots made another descent upon the northern counties of England. Entering by Tyndale they spread thence eastward towards Newcastle and westward to Haltwhistle, and before leaving Tyndale they obliged the inhabitants to do homage to the King of Scotland. They also subdued Gillsland and the surrounding country, destroyed Northumberland a second time, and compelled the county of Cumberland to pay to King Robert Bruce six hundred merks as tribute for the six months between 25th December 1314 and the 24th June 1315.[1]

Shortly after this Douglas accompanied Bruce to the west of Scotland, and was present in Dumbarton at the granting of the privilege of girth or sanctuary to Malcolm, fifth Earl of Lennox, in return for his constancy and support both in Bruce's peril and now in his triumph.[2] He then went with the king to Ayr, where an important Parliament was held to settle the succession to the crown. The meeting took place on the 26th of April, and Douglas is proved to have been present by witnessing several charters at the same place on 1st May following.[3]

The conquest of Ireland as a kingdom for Edward Bruce, Earl of Carrick, having been resolved on, a portion of the Scottish army was despatched thither under his leadership, and that of Thomas Randolph, Earl of Moray. Bruce and Douglas remained in Scotland.[4] On the return of the ships which had conveyed the troops to Ireland, Bruce fitted out an expedition against the Western Islands of Scotland, and personally taking its command, with Walter, the High Steward of Scotland, who had just become the king's son-in-law by his marriage with his daughter Marjory, he speedily subdued his old enemy John of Lorn, and the minor Highland

[1] Chronicon de Lanercost, p. 230.

[2] The Lennox, by William Fraser, vol. i. p. 236.

[3] Munimenta de Melros, vol. ii. pp. 380-382.

[4] Chronicon de Lanercost, p. 230.

and Island chiefs, who had lent the Lord of Argyll their aid.[1] Douglas, on the other hand, returned to the Borders, and collecting his men, made a third raid into the English territory (about 29th June 1315), ravaging the bishopric of Durham and the town of Hartlepool, the inhabitants of the latter place escaping to sea in their boats on his approach. He burned no towns on this occasion, being satisfied with taking a very large booty.[2]

It was next resolved to lay siege to the strong English fortress of Carlisle. To effect this Bruce and Douglas joined their forces, and mustering a considerable army, arrived at Carlisle about the 22d of July. Bruce, it was commonly reported, had vowed that he would eat no flesh until he had avenged himself on the wardens of Carlisle.[3] This, if true, was probably in return for the ignominious and cruel fate to which his two brothers, Thomas and Alexander (the latter being at the time Dean of Glasgow), had been subjected in that city. Thomas was dragged through Carlisle tied to horses' tails, and, with his brother, was afterwards hanged and beheaded, their heads and bodies being exposed on the tower and gates of the city.[4] At least the remembrance of these things would add fuel to the fury of the Scots, and for ten days they held the city and its citadel in strict siege, on each day making an assault on one of the three gates, or on all three simultaneously.

The citizens, however, knowing that quarter would not be given, exerted themselves to the utmost, and sent such showers of darts, arrows, and stones from the walls upon their assailants, that the Scots remarked that surely stones were multiplied, or grew within these walls. On the fifth day of the siege the Scots constructed a machine to project large stones against one of the gates and the wall, but this did little or no injury, save killing one of the

[1] Barbour's Bruce, p. 319. [2] Chronicon de Lanercost, p. 230.
[3] Chronicon Walteri de Hemingburgh, vol. ii. pp. 294, 295.
[4] Chronicon de Lanercost, p. 205.

defenders. They next constructed a large wooden tower so high that it overtopped the walls, but the citizens divining their intention, caused their carpenters to erect a higher tower of wood at the part of the wall against which the assault was to be directed, and the Scots seeing this, or unable to move forward the ponderous erection, though mounted upon wheels, over the wet and slimy ground, did not bring it into use.

Then the Scots made many long ladders for scaling the walls at a number of places simultaneously, and also a machine called a sow for undermining the walls. They scoured the country for miles around, cutting down the standing crops and every growing thing they could lay hands upon, which they tied into bundles, and attempted with these to fill up the moat on the east side of the city in order to secure a dryshod passage across to the walls. Besides this, to span the moat, they constructed long wooden bridges running upon wheels, to which cords were attached for drawing them, and on the ninth day of the siege, bringing all their warlike instruments to bear, they made a grand assault upon the whole circuit of the walls, but especially upon the eastern side of the city, where the bulk of the Scottish army was massed.

This was but a feint, however, to divert attention from what was to be the main attack. Sir James of Douglas, choosing the more daring and agile of the Scottish forces, had stationed himself on the opposite side of the city at a place where, on account of the height of the walls and the difficulty of invasion, the citizens would naturally think no assault would be attempted, and would therefore leave the place comparatively defenceless. He had provided himself with long ladders, and to protect his soldiers while climbing, had posted a strong force of bowmen to shoot down any who might show themselves upon the wall. While the soldiers leapt to the ladders and scaled the walls, the shafts fell fast and thick upon and within the walls, but through the bravery of the defenders the attempt was utterly foiled. The ladders were pushed

from the walls, and many of the Scots were slain and wounded. The other attacking parties fared no better, as neither sow, ladders, nor bridges were of any avail, and at last the Scots were forced to raise the siege and retire, which they did on the 1st August, leaving behind them their warlike engines and several important prisoners.

During the siege they are said to have laid waste and given to the flames all Allerdale, Coupland, and Westmoreland, taking an immense booty in cattle and other property.[1] It was during this time also that Douglas visited Egremont and the Priory of St. Bees, in Westmoreland, plundering the church and burning the houses of the Prior at Cleator and Staneburn.[2]

Nothing daunted by their repulse at Carlisle, Bruce and Douglas resolved to make another attack upon the town of Berwick, and an expedition was secretly organised to attack it both by sea and land. The point chosen for assault was a spot between the Bridge-house and the Castle, beside the sea, where there was no wall. Unfortunately for the enterprise the night was clear and moonlit, and through the vigilance of the watch the attempt was discovered before an entrance had been effected. The Scots were driven back, and Douglas himself is said to have escaped with difficulty in a small boat.[3]

But with such leaders the Scots never knew what it was to be beaten, and if the fortresses were too strong for them they had other means by which they could insure success. Negotiations for a truce had passed once more between the two realms,[4] only to be nipped in the bud, apparently by the refusal of Edward to recognise Bruce as King of Scotland, and hostilities were accordingly resumed. With a fleet on the one hand, the Scots threatened the principality of Wales, which had just been forced to submit to the

[1] Chronicon de Lanercost, pp. 230-232.
[2] Leland's Collectanea, vol. i. p. 24.
[3] Chronicon de Lanercost, p. 232.
[4] Rymer's Fœdera, vol. ii. p. 289.

English King;[1] and on the other, they sent, about midsummer (June 24, 1316) a strong force, probably under the command of Douglas, into England. On this occasion they again invaded the town of Richmond, and had begun their work of devastation, when the nobles who held the Castle offered them a large sum of money to refrain from burning the town and the surrounding district. This the Scots accepted, but they merely sought pastures new, and penetrating England for sixty miles in a westerly direction to Furness, destroyed everything in their way, and gave the entire district to the flames. Furness they had never before reached, and they found not only great spoil of cattle, which they carried thence with a large number of prisoners of both sexes, but an abundance of iron—a commodity then so scarce in their own country that they are said to have been overjoyed at the discovery.[2]

At the urgent entreaty of his brother Edward, King Robert Bruce set out for Ireland to his assistance,[3] and appointed Sir James Douglas and Walter the High Steward, wardens of the kingdom in his absence.[4] Douglas held at this time, also, the high office of Justiciar of Lothian,[5] and was warden of Jedburgh.[6] Taking advantage of Bruce's absence, the English king resolved once more to attempt the retrieval of his fortunes in Scotland; but Douglas was too experienced and wary a warrior to be taken unawares, and Bruce had not left the care of his hard-won kingdom in the hands of one in whom he had not the most complete confidence. Douglas indeed seems to have anticipated some such attempt, and to have taken up his quarters in a position where he would be ready for any emergency. The place chosen was the haugh of Lintalee, on the banks of the river Jed, at a point where his camp would have the natural protection of the river and a

[1] Rotuli Scotiæ, vol. i. p. 159.

[2] Chronicon de Lanercost, pp. 232, 233.

[3] Chronicon Walteri de Hemingburgh, vol. ii. p. 295.

[4] Barbour's Bruce, p. 361.

[5] Munimenta de Melros, vol. ii. p. 385.

[6] *Ibid.* p. 382.

deep ravine on two sides, while on the third a strong double rampart was constructed. Below the camp in the face of the cliff was a large cave, consisting of three apartments, which, in the event of a sudden surprise, would have afforded at least a temporary refuge.[1] Here Douglas caused to be erected what Barbour calls a "fair manor," and having stocked it abundantly with provisions and other means,

"till mak gud cher till his men,"[2]

he awaited the course of events.

Aymer de Valence, Earl of Pembroke, the former English guardian of Scotland, had, after the battle of Bannockburn, been appointed warden and captain of all the country between the rivers Trent and Tweed, Roxburgh being the assigned limit.[3] He began by collecting all the men of Tyndale, and first laid waste some parts of Northumberland, not sparing, it is said, a single blade. As soon, however, as he entered Scotland, and encountered a few Scots, his men at once turned and fled, and were pursued for a considerable distance, while many were slain.[4] After the siege of Carlisle, Aymer de Valence was partly superseded by the appointment of Thomas, Earl of Lancaster, as superior captain over the same territory.[5] Under him a general muster of the English had been proclaimed for the 24th of June, at Newcastle, but was prorogued by royal mandate till the feast of St. Lawrence (10th September 1316).[6] As has already been seen, the Scots observed the first day, and kept the muster at Richmond and Furness, but the English forces were not present. By the departure of Bruce and two of his brave commanders, Sir Edward Bruce and Randolph, an opportunity was

[1] Origines Parochiales Scotiæ, vol. i. p. 386.

[2] Barbour's Bruce, p. 372.

[3] Rotuli Scotiæ, vol. i. p. 149.

[4] Chronicon Walteri de Hemingburgh, vol. ii. p. 295.

[5] Rotuli Scotiæ, vol. i. p. 149, dated 8th August 1315.

[6] Rymer's Fœdera, vol. ii. p. 291.

given which the English did not overlook, and a large army was summoned by Edward the Second, in which he included his Gascon vassals, to meet at Newcastle-on-Tyne in the first week of October.[1] The king, however, did not appear, and after waiting for some time beyond the appointed day, the army was disbanded.[2]

Douglas meanwhile was passing the time at Lintalee, well informed, no doubt, of what was taking place in England; and learning from his scouts that the Earl of Arundel, with Sir Thomas Richmond, instead of returning home, had crossed the borders with a force of ten thousand men, he determined to give battle. Richmond, says Barbour, envied the fame of Douglas, and resolved to measure swords with him on the first opportunity. He thought that the renowned warrior was only feasting at Lintalee, and his avowed intention was to cut down the forest of Jedburgh, for which he armed his men with wood-axes. Douglas had only fifty men-at-arms and a body of archers; but he knew that Richmond would require to march through a narrow pass on his way, and he resolved to meet him there. The old chronicler likens the place to a shield, broad at the entry, but gradually narrowing to a point, where there was not "ane pennystane-cast of bred," and wooded on either side. Here Douglas plaited together the young birches which grew on the sides of the pass, making it practically impervious, and placing his archers in a hollow on one side, with directions to shoot on a given signal, he himself, with his armed men, took up a similar position on the other, and awaited Richmond's approach. The English leader came on unwittingly, until within bowshot of the ambuscade, when Douglas raised his terrible war-cry, the signal for the archers to shoot, and while the English were disconcerted with the showers of arrows falling among them, Douglas and his small band spurred upon the English host. Instinctively the rival leaders sought each other, but Richmond was no match for the impetuous Douglas,

[1] Rymer's Fœdera, vol. ii. pp. 295, 296. [2] Chronicon de Lanercost, p. 233.

and fell, stabbed to the heart with his opponent's dagger. Seizing the furred cap which surmounted the helmet of Richmond, worn by him, it is said, as a badge of connection with the ducal house of Brittany,[1] Douglas cut his way through the English army, and disappeared into the recesses of the forest. Seeing their leader slain, and discomfited by this sudden attack, the English withdrew to a place of safety.[2]

While Douglas was engaged in this skirmish, he learned that a priest named Ellis had, with three hundred men, taken possession of his place of Lintalee. He and his companions at once proceeded thither, found the audacious intruders feasting on what was not intended for them, and with the proverbial ferocity of hungry and angry men, to use the words of Barbour,

> "With suerdis that scharply schar
> Tha servit tham full egirly."

Scarce one escaped to tell the tale to the English host encamped at some distance; and they, when they heard the fate of their companions, left the forest standing as it was, and hastened back over the border.[3]

On another occasion, while Douglas was encamped in the forest, Edmund de Caliou, a Gascon knight, made a raid from Berwick, of which he was governor, into the lower parts of Teviotdale and the Merse, and having secured a considerable booty in cattle retraced his steps, driving his spoils before him. They were observed by Sir Adam Gordon, who informed Douglas of what had taken place, and suggested that, if they were pursued at once, the cattle might be retaken. Douglas readily consented, and summoning such of his men as were at hand, instantly started in their track. Ere long the raiders were discerned in the distance, who, on discovering that they were pursued, sent forward the cattle under the care of some countrymen, and forming them-

[1] Hailes' Annals, vol. ii. p. 82.

[2] Barbour's Bruce, pp. 372-376; Scalacronica, p. 143. [3] Barbour's Bruce, pp. 373-377.

selves into a compact body, awaited the arrival of Douglas. Perceiving their design, and that the Gascon had a force twice as numerous as his own, Sir James encouraged his men to the conflict. He unfurled his banner, bidding his men take advantage of a neighbouring ford to aid their attack, and as Caliou and his men approached, at once gave battle. Singling out the Gascon leader, as it was his wont to do, Douglas was soon hotly engaged, and his dauntless courage so inspired his followers that the Gascon troops were forced to fly, leaving their lord and many of their number dead upon the field. The cattle were thereupon driven back. This fight is said to have been the toughest ever engaged in by Douglas, as he had so few men at his command, and it increased his fame greatly.[1]

Another knight in England's service, Sir Robert Neville, wroth that no name was in the mouths of any for valour save that of Douglas, is reported to have exclaimed openly, "What! is there no one of any worth save he? Ye speak of him as if he were without an equal. But I avow before you all that if he ever come into this neighbourhood he will also discover my presence, or if in war I see his banner displayed, I shall certainly assail him, although ye call him never so brave." Neville was at this time in Berwick, and the challenge having been reported to Douglas, he determined to give the knight an opportunity of acquiring the coveted distinction. Gathering his men, he marched all night to the vicinity of Berwick, and daybreak beheld his banner displayed in view of the city. To attract the attention of the garrison still more, he sent some of his men to burn one or two of the neighbouring villages, with instructions to return at once in case of attack.

This brought Neville out of Berwick with a strong and picked force, as the city was crowded at the time with the inhabitants of the surrounding districts who had taken refuge there. The English knight led his forces to the summit of a hill, and addressing them said it was his desire

[1] Barbour's Bruce, pp. 351-355.

now to put an end for ever to the disorders constantly occasioned by Douglas, but it was expedient to wait until the Scottish soldiers were dispersed to foray, when they would become an easy prey. Douglas, however, had no intention thus to weaken his force, and seeing that the English, at first numerically stronger than himself, were being constantly augmented by fresh arrivals, he resolved to give battle at once. He accordingly led his men up the hill against his foes, and a stubborn contest ensued. Douglas and Neville met in the thickest of the fray, and fought long together, but the superior strength and skill of Douglas prevailed, and Neville was killed. This gave the Scots renewed courage, and raising their wonted battle-cry they attacked the English so impetuously that they broke and fled, and were pursued by the Scots to a considerable distance. A great number of the English were slain, and several distinguished prisoners taken, among whom were Sir Ralph Neville and the Baron of Hilton. After clearing the field of his foes, Douglas proceeded at leisure to foray and destroy the country around, the spoil of which he distributed entirely among his men, retaining nothing for himself.[1] It was this generous and unselfish spirit, along with his considerate bearing towards them at all times, which especially endeared him to his followers, and made them willing to dare and endure anything and everything with and for him.

When King Robert Bruce returned from Ireland to his own kingdom, it was resolved to renew the assault on Berwick-upon-Tweed, at this time the principal commercial port which England possessed. Randolph had returned with his royal uncle,[2] but the king's brother, Edward Bruce, having been crowned King of Ireland, remained in his new dominions. He had

[1] Barbour's Bruce, pp. 355-359. Scalacronica, p. 143. This chronicle relates that Sir Robert Neville had slain Richard Fitz-Marmaduke, cousin of King Robert Bruce, at Durham, in a dispute as to which should be "le plus graunt meistre."

[2] They were both at Scone on 1st June 1317. [Antiquities of Aberdeen, vol. iii. p. 313.]

won his kingdom with great bravery; but the English were still able to maintain a strong force in the island, which was increased until it numbered tenfold the army at the disposal of the new king. Yet even with such overwhelming odds he did not hesitate to join battle, but it was only to meet an untimely fate near Dundalk, on 5th October 1318.[1] During the absence of Bruce from Scotland, the English king had been resorting to the unmanly expedient of procuring the interference of the Pope, desiring to accomplish by ecclesiastical authority what he could not do by force of arms; but to such arguments neither Bruce nor his gallant countrymen would for one moment listen. Interdicts followed, but were only laughed at by the Scots, who, especially in a matter of this kind, made small scruple as to whether their king or the Pope had the first claim to their allegiance.

About the middle of December, Bruce was lying with his army about twelve miles from the town of Berwick, busied with preparations for its siege, when, through the Marischal, Sir Robert Keith, he received overtures from one of the burgesses of that city for its deliverance into his hands. The English Governor, John de Witham, it is said, was unusually severe, and had given offence to not a few of the inhabitants. One of these, named Peter Spalding,[2] proposed betraying the city, and being connected with the Marischal through having married a cousin of Sir Robert, he communicated his plans to him. The burgesses of Berwick took part in guarding the walls, and knowing that it would fall to his lot to be on watch at the Cow Gate on a certain evening, Spalding offered to assist the Marischal in gaining an entrance.

Bruce accepted the offer, and directed the Marischal, and also Douglas and Randolph, to enter the city that night by the way indicated, and he would join them in the morning with the main body of the army. Under

[1] Tytler's History of Scotland, vol. i. p. 303.

[2] Barbour calls him Sym of Spalding. Page 386.

the guidance of Spalding the scaling of the wall was successfully accomplished, the intruders keeping themselves in strict ambush until daybreak, when they intended to go through the town cautiously and in battle array, sending off detachments to plunder the houses and deal with such as resisted. No sooner, however, did day dawn than the greater part of the soldiers broke away from their leaders, and spread themselves all over the town to pillage at their own hand, the result of which was that the governor of the castle, Roger de Horsley, observing only a mere handful of Scots in the city, made a sortie from the castle, and had nearly expelled the intruders again over the walls. The bravery of the leaders, however, and the courage of those who rallied round them, was successful in driving back their assailants into the castle. Berwick was then given up to pillage, and Bruce entered the city with the rest of the troops. The castle resisted for five days and then capitulated.

The Scots, to their honour, used their triumph with moderation, though the same city had been the scene of great cruelty when formerly taken by the English. In a bull of excommunication against Bruce, the Pope charged him with a great slaughter of the inhabitants, accompanied with inhuman cruelty.[1] But this is denied by the English historians, whose testimony was not likely to err on the side of partiality at least,[2] and one distinctly affirms that though the English were spoiled and expelled, few or none, except those who resisted, were slain.[3] The lenity shown by Bruce and the other Scottish leaders is all the more remarkable when it is remembered what indignities they themselves had suffered at the hands of the English king. It was in this very place that Douglas's father, Sir William "Le Hardi," had been imprisoned in irons, and his capture rejoiced over by his custodiers. Perhaps it was in memory of him that the tower in

[1] Theiner's Vetera Monumenta, p. 205.

[2] Tytler mentions Thomas de la More and Adam Murimuth. [History of Scotland, vol. i. p. 318.]

[3] Chronicon de Lanercost, p. 235.

Berwick, between the castle and the town, was named the Douglas Tower and afterwards bore that name, being repaired as such in 1357.[1] Godscroft states that the name of the tower in which Sir William was confined was Hog's Tower; and it may be that the English themselves changed its name in memory of its distinguished occupant. But, at any rate, so powerful had the name become, that it commanded the recognition of both friends and foes, even by memorials of this kind.

Spalding, through whose instrumentality the conquest of Berwick was made so easy, was liberally rewarded by King Robert Bruce with the gift of certain lands and possessions in Berwick, which at the presentee's request were afterwards exchanged for the lands of Balzeordie and Pitmudie, in the county of Forfar, with the keeping of the royal forest of Kilgerry.[2] He had formerly been in the service of King Edward the First in Gascony,[3] and may not have been trusted by the Scots in Berwick. One of the English chroniclers, Hardyng,[4] states that he was ultimately slain by the Scots, after his departure from Berwick.

By the capture of Berwick the Scottish army was enriched with a great abundance of the munitions of war; and while the king, according to Barbour, abode at Berwick, he sent forward a strong body of men, doubtless under Douglas and Randolph, to ravage Northumberland. The Scots on this occasion extended their inroad to Newcastle-on-Tyne, and then returned to Berwick. Bruce resolved not to dismantle this town as he had done others, but left it with a strong garrison in the custody of his son-in-law, Walter, the High Steward, and then returned into the Lothians.[5] Before, however, disbanding their army the Scots made another raid into

[1] Rotuli Scotiæ, vol. i. p. 799.

[2] History of the Carnegies, Earls of Southesk, by William Fraser, vol. i. p. xiv; vol. ii. p. 482.

[3] Chronicon de Lanercost, Notes, p. 420.

[4] Chronicle, Ellis's edition, p. 308.

[5] Chronicon de Lanercost, pp, 234, 235; Barbour's Bruce, pp. 392, 393.

England in the following month of May, penetrating as far as Ripon and Knaresborough, which, with Skipton, Northallerton, and Boroughbridge, was given to the flames. Ripon was only saved from a similar fate by the payment of ransom of a thousand marks. The Scots returned laden with booty, driving before them a great multitude of cattle and prisoners of both sexes.[1]

Important political arrangements now demanded the attention of the Scottish Court. The death of the king's brother, King Edward Bruce, in Ireland, and also of his daughter, the Princess Marjory, after the birth of her only child, Robert Stewart, afterwards King Robert the Second, rendered it expedient to recall the Act of Settlement made at Ayr in 1315, and to enact a new one. For this and other legislative work a Parliament assembled at Scone on 3d December 1318, which, after expressing their own allegiance, and enjoining the same upon the whole country, declared that in the event of the king's death without surviving issue male, the succession should devolve upon Robert Stewart. If he succeeded to the crown before reaching majority, or if any heir of the king's own body succeeded while yet a minor, the office of tutor to the heir to the throne was devolved upon Thomas Randolph, Earl of Moray, and in the event of his death, upon James, Lord of Douglas, until the majority of the community considered the heir able to govern the kingdom in person. Both Randolph and Douglas accepted the trust reposed in them, and vowed upon the gospels and the relics of the saints, faithfully and diligently to observe the same, and to administer the kingdom for the combined welfare of it and the heir to the crown. The rest of the Parliament took a similar oath, the whole proceedings being conducted with great solemnity.[2]

This transaction reflects the highest honour upon Douglas, and shows, on the one hand, that he possessed not only military qualifications of the highest order, but also powerful administrative abilities; and on the other,

[1] Barbour's Bruce, p. 236. [2] Acts of the Parliaments of Scotland, vol. i. p. 465.

the very high appreciation in which he was held by the entire nation. Randolph, Earl of Moray, was also valiant, but his being chosen for the regency was due in part to his blood-relationship to Bruce. Douglas had no such claim, and owed his election to this very high position wholly to his personal merits and faithful service to his king and country.

The loss of Berwick was not relished by King Edward the Second, and he wreaked his vengeance on the unfortunate inhabitants, who, although stripped of everything they possessed in Berwick by the Scots, were now declared to have forfeited everything else they had, on account of their fault in allowing the city to be taken.[1] Edward then issued a summons to the Earl of Lancaster to meet him at York, with all his forces, on the morning after St. James the Apostle's day (26th July), to proceed against the Scots; but this purpose, on account of dissensions between the king and the earl, seems to have been laid aside.[2] The instructions for preparation were, however, renewed in December,[3] and Edward, meanwhile, used every art to compass the overthrow of his foes. He took his case so frequently to the Pope, that the Roman Court must have been weary of it, all the more so that all their fulminations were unheeded. He also implored the Count of Flanders, the Duke of Brabant, and the towns of Newport, Dunkirk, and others, to exclude the Scots, supporting his request with the consideration that they were excommunicated; but he was met in some cases with a courteous though firm refusal, while Robert, Count of Flanders, openly recognised the regal title of Robert Bruce.[4]

At length Edward resolved to strike a blow in person, and from York, where he had been residing since September 1318, he issued orders in the following July for the muster of a powerful army at Newcastle-upon-Tyne. He enlisted the prayers of the clergy in his behalf, and for their

[1] Rymer's Fœdera, vol. ii. p. 360.
[2] *Ibid.* p. 365.
[3] *Ibid.* p. 382.
[4] *Ibid.* pp. 386-394.

encouragement, bestowed on many ecclesiastics prospectively a number of the Scottish prebends and benefices.[1] On the 15th August the English army crossed the Tweed, and thoroughly investing Berwick, both by sea and land, made energetic preparations for carrying it by storm. The assaults were carried out with great determination, but the Scots, under the command of Walter the High Steward, foiled every attempt to obtain an entrance. Their heroic defence is related at length by Tytler,[2] and need not therefore be repeated here.

To relieve their gallant comrades, Bruce and Douglas planned a raid into England on an extensive footing, and the latter, with Randolph, Earl of Moray, was despatched on this errand, at the head of fifteen thousand men, their intention being nothing less than to seize the Queen of England, who had been left in supposed security at York. A Scottish prisoner, however, revealed the plot, and when the Scots arrived at York they found that their intended prize had escaped. They made what amends they could to themselves by following their wonted course of spoliation and plunder, and the town of Boroughbridge was again given up to conflagration. On this occasion, however, the English took greater heart. The men-at-arms, indeed, were all with the king's army at Berwick, but the ecclesiastics were numerous, and highly elated with the hopes of victory, and of rich rewards of Scottish benefices. They accordingly resolved to strike a blow for their king. Under the guidance of William of Melton, Archbishop of York, and the Bishop of Ely, about twenty thousand men, monks, priests, mendicant friars, and peasants, with the burgesses of York, a rude and undisciplined assemblage, proceeded to intercept the Scots, which they did at Mitton, a small town on the river Swale, about twelve miles to the north of York. On their approach the Scots formed for battle in their accustomed manner, in a close compact mass, and raising a tremendous shout, so terrified the raw levies headed by the

[1] Rymer's Fœdera, vol. ii. pp. 400-402. [2] History of Scotland, vol. i. pp. 323-328.

doughty bishops, that their ranks at once wavered, and at the advance of the Scots, broke and fled. Forming into their separate divisions, the Scots mounted and pursued the flying host, of which no fewer than three thousand, lay and ecclesiastic alike, were put to the sword, and another thousand were drowned in the attempt to cross the river Swale. As usual, many prisoners were taken, whose ransom helped to enrich the Scots. This engagement was popularly called "The Chapter of Mitton," in allusion to the clerical elements of which the English ranks were composed, and to their priestly leadership. The principal leader indeed escaped, but had cause to rue his rash adventure, as it reduced him to the necessity of begging.[1]

The diversion thus made by Douglas and Randolph had the desired effect. On the news reaching Berwick, dissensions arose again between Edward and the Earl of Lancaster, which resulted in the latter withdrawing from the siege his complement of the English army, about one-third of the whole.[2] The rest of the army were dispirited both by their want of success against Berwick, and by the intelligence of the ravages of the Scots among their homes, so that Edward resolved to raise the siege, and attempt to intercept Douglas and Randolph on their way home. On learning his intention the Scottish leaders took another route and reached Scotland with their spoils unmolested, leaving, for the satisfaction of the English army, their track marked by fire and desolation. A list of no fewer than between eighty and ninety English towns and villages burned and destroyed by the Scots in this expedition in Yorkshire alone is given in letters addressed to the tax collectors of that county,[3] and from such a computation some estimate

[1] Chronicon de Lanercost, p. 239 ; Walsingham, p. 89 ; Raine's Historical Papers and Letters from Northern Registers, pp. 294-296 ; Barbour's Bruce, pp. 403-405.

[2] Lancaster was strongly suspected of carrying on a secret correspondence with the Scots, and of favouring Bruce's claim to the sovereignty. He was executed for treason shortly after this.—[Raine's Historical Papers, etc., p. 285 ; Chronicon de Lanercost, Notes, p. 422 ; Barbour's Bruce, p. 415.]

[3] Rymer's Fœdera, vol. ii. p. 409.

may be formed of the fearful havoc wrought in the north of England by these repeated Scottish incursions.

This terrible raid was succeeded by another on the 1st November following, under the same two commanders. The inhabitants of the northern districts of England had just garnered their harvest, when the Scottish army came sweeping down upon them through Gillsland, burning and destroying as formerly, and on to Borough-on-Stanmore in Westmoreland, where, after ten or twelve days' harrying, they returned through Cumberland, driving their booty before them, and marking their course in their usual method.[1]

After this the Scots were inclined to agree to a truce, and one of two years' duration was signed, which brought a temporary repose to the warriors of both countries.[2] It was cheerfully agreed to by the Scots, remarks an English historian, not because they were fatigued with their wars, but because they were satiated with English spoils.[3] The truce was signed on 25th December 1319.

These two years of rest from war were otherwise eventful, both as regards the kingdom of Scotland and the domestic concerns of Douglas himself. The Pope had renewed his fulminations against Bruce, even recalling the slaughter of John Comyn at Dumfries,[4] and summoning Bruce and several of the Scottish bishops to his presence.[5] Although there were not wanting evidences that the hand of Edward was in the matter, Bruce deemed it prudent to endeavour to conciliate the Papal See. For this purpose a Parliament was convened at Arbroath, and the famous letter or manifesto to the Pope drawn up, which, in the most respectful and reverential language, yet with a firmness and courage born of the justness of their cause, affirmed the determi-

[1] Chronicon de Lanercost, p. 240.
[2] Rymer's Fœdera, vol. ii. p. 416.
[3] Walsingham, p. 89.
[4] Rymer's Fœdera, vol. ii. pp. 407-413.
[5] Raine's Letters from Northern Registers, pp. 296, 302-304.

nation of the Scots to maintain that independence which was their birthright, and throwing back upon the Pope himself the responsibility of the bloodshed which must ensue if he continued to favour the English in their unjust pretensions. Nay, while they were and would be obedient sons of the Pope as God's vicegerent, they committed the defence of their cause to God himself, the great King and Judge, with full confidence, and in the persuasion that He would endow them with strength and overthrow their enemies. To this document, along with the rest of the nobles, Douglas affixed his seal.[1]

It was about this time that the long and disinterested services of Douglas were in some measure recognised by the grant of the lands, castle, and forest of Jedburgh, with the town of Bonjedward,[2] and of the barony of Stabilgorton in Eskdale,[3] both dated at Arbroath, the 6th of May 1320. A month previously, while the Court was at Berwick, before removing to Arbroath, he received the important charter of his own ancestral domains of Douglasdale and Carmichael, which is known as the boundary charter, as it describes with some minuteness the limits of the Douglas territory in the county of Lanark;[4] and even anterior to this he had obtained a gift of the lands of Polbuthy in Moffatdale.[5] The Soulis conspiracy was the cause of another estate being conferred upon the Lord of Douglas, that of the extensive barony of Watstirker or Westerkirk in Eskdale.[6] William de Soulis, who had but recently been received into favour by Bruce, and on account of his connection with the blood-royal, was created high butler of Scotland, formed a plot to assassinate Bruce and others, with the object of setting himself upon the throne, as the lineal descendant of the illegitimate daughter of King

[1] The letter is dated 6th April 1320. Acts of the Parliaments of Scotland, vol. i. p. 475.

[2] Vol. iii. of this work.

[3] *Ibid.* p. 10.

[4] Dated 1st April 1320. Vol. iii. of this work.

[5] Dated 15th December 1318. Vol. iii. of this work, p. 9.

[6] Charters, dated 20th April and 30th September 1321, vol. iii. of this work, p. 10; Registrum Honoris de Morton, vol. ii. p. 20.

Alexander the Second, who had married Alan Durward. The conspiracy was revealed by the Countess of Strathern, and after being tried and condemned by the Parliament held at Scone in August 1320, popularly called the "Black Parliament," Soulis and his accomplices were executed, and their lands forfeited to the crown.

Douglas also about this time obtained grants of the forests of Selkirk, Ettrick, and Traquair,[1] sometimes known by the simpler designation of Ettrick Forest, or The Forest, also the constabulary of Lauder or Lauderdale,[2] with the barony of Bedrule in Teviotdale. He likewise received the lands of Cockburn in Berwickshire, which had come into the power of the Crown by the forfeiture of Sir Peter Luband, a Gascon knight, some time governor of Edinburgh Castle under the English. The possession of some at least of these lands at this period is proved by a gift made by James, Lord of Douglas, to Roger de Moravia, son of the lately deceased Archibald de Moravia, of the tenement of Fala, in the barony of Heriot. This important charter, which defines the boundaries of this early possession of the Murrays of Falahill and Philiphaugh, was granted at Newbattle Abbey on 1st September 1321.[3] The gift was bestowed on Roger of Murray in return for his services to the Lord of Douglas; and at the pressing request of the latter, the Abbot of Newbattle, two months later, bestowed on Murray the privilege of drawing water from a moss situated on the west side of the way called "Derestrete" (probably the Roman road, as it is elsewhere called the *via regia* or highway) into the ditch (*matricem fossam*) which forms the boundary between the Abbot's lands and Colden. For this right Murray was to pay the sum of three shillings yearly to the Abbey.[4]

Towards the close of the period of truce between Scotland and England the relations between the two countries became somewhat complex. The

[1] Robertson's Index, p. 10, No. 24.

[2] *Ibid.* p. 10, No. 21.

[3] Vol. iii. of this work.

[4] Registrum de Neubotle, p. 229.

Earl of Lancaster raised a rebellion in the north of England, in which he allied himself with the Scots, the negotiations between them being proved by letters of safe-conduct to one of Lancaster's emissaries from Douglas,[1] and also from Randolph,[2] the former evidently as warden of the Marches, the latter as lieutenant of the kingdom. Other letters passed between Douglas and the conspirators, which, though not signed by him, were sealed with his seal.[3] A document found after death upon the body of the Earl of Hereford, who sided with Lancaster, gives further evidence of the conspiracy. It was agreed that Bruce, Randolph, and Douglas should assist Lancaster, whom they designated King Arthur, wherever and whenever such assistance was required, in England, Wales, or Ireland, without claiming any share in the conquests achieved by him. On the other hand, Lancaster and his supporters promised never to fight in future against the Scots, and when their own ends were accomplished, to do what lay in their power to secure a durable peace between the two nations on the basis of Scottish independence.[4]

Perhaps it was in fulfilment of part of this programme that only a fortnight after the truce between the two kingdoms had expired, Douglas, Randolph, and Walter the High Steward engaged in another of those incursions which had already so desolated the northern provinces of England, as it appears that Douglas met with the chief conspirators at Lancaster's seat at Pontefract.[5] It may, however, have been spontaneous on the part of the Scots, either on account of the spirit in which Edward had kept the truce, or because of intelligence that it was the English king's intention to resume hostilities at once, or both causes combined. At any rate, it was ever Douglas's policy to strike swiftly and surely, and by being first in the field

[1] Vol. iv. of this work, p. 53; Rymer's Fœdera, vol. ii. p. 463.

[2] *Ibid.* p. 472.

[3] Vol. iv. of this work, pp. 54, 55.

[4] Rymer's Fœdera, vol. ii. p. 479.

[5] *Ibid.* pp. 467, 474.

he was able to disconcert his foe not a little. On this occasion Durham was again the theatre of operations, and while Randolph remained at Dermington, Douglas and the High Steward respectively visited the districts surrounding Hartlepool and Richmond, the last-named place redeeming itself from destruction by a timely indemnity.[1] It was immediately after this that Lancaster's insurrection was overthrown by Edward's troops, and the Earl himself beheaded at Pontefract.[2]

The success of his arms against his revolutionary subject inspired Edward still more with the desire to visit the Scots with a similar chastisement. He accordingly made preparations on an elaborate scale for invading the northern kingdom, and when the Pope, after receiving the letter from the King and Parliament of Scotland, wrote recommending Edward to make peace with Bruce, Edward replied requesting the Pope to give himself no further trouble on that score, as he had resolved to secure a lasting peace by force of arms.[3] On learning this intention, Bruce, in person, made another destructive raid into England as far as the town of Lancaster, where he was reinforced by Douglas and Randolph, when they penetrated to Preston, and five miles beyond that town, a distance altogether of over eighty miles from Scotland. Many religious houses were on this occasion sacrificed, and on their return, after spending nearly three weeks in England, the Scots invested Carlisle for five days, and devastated all the country around through which they passed. This may have been done to avenge the death of their late ally, the Earl of Lancaster, and the demonstration at Carlisle, the seat of the new Warden of the Marches, Sir Andrew Hartela, who had been instrumental in Lancaster's death, was probably intended to apprise that leader of the contempt in which they held him. Their return into Scotland with an immense amount of plunder and many prisoners was effected only on the

[1] Chronicon de Lanercost, pp. 241, 242.

[2] *Ibid.* pp. 242-245.

[3] Rymer's Fœdera, vol. ii. p. 481.

day preceding that on which the English army had been appointed to muster at Newcastle, 25th July.[1]

Despatching a fleet to the Firth of Forth with supplies for his huge army, estimated to consist of one hundred thousand men, and also fitting out a squadron to operate on the west coast of Scotland, Edward himself set forward on August 1st. His progress through the south of Scotland was unopposed, the population having removed themselves, with their cattle and goods, either into strongholds or to inaccessible mountain fastnesses. The English accordingly found themselves obliged to rely for support upon what they had brought with them until they reached Edinburgh. Here, however, disappointment also awaited them. Bruce had retired across the Forth, which the English ships, owing to contrary winds, could not enter. Edward remained at Edinburgh three days, during which he sent out foraging parties to scour the Lothians. They succeeded, says Barbour, in getting one lame cow at Tranent,[2] but as it did not go far towards meeting the exigencies of the case a retreat was ordered. Starvation proved "sterner than steel," and as they hastened their march through the desert by which they had come, they found the vigilant Warden of the Scottish Marches quite on the alert, and ready to take advantage of any opportunities which disorganisation in the English host might afford.

[1] Chronicon de Lanercost, p. 246 ; Rymer's Fœdera, vol. ii. p. 485.

[2] Barbour's Bruce, p. 427. This historian says that the animal obtained at Tranent cost upwards of a thousand pounds. What is implied may be gathered from an anecdote related by Fordun about the same thing. In their foray, he says, the English could only find one lame bull which it had not been found possible to remove to a place of safety with the rest of the cattle. The "conquest," however, cost the English a knight, for at the coal mines at Tranent a lame rustic, a collier, armed with a long hooked stick, drew one of the English knights off his horse, and compelled him to pay a good round sum for his ransom. His redemption, says Fordun, enriched the poor man. No wonder the Earl of Warenne remarked that the flesh of that cow was by far too dear.—[Goodall's Fordun, vol. ii. p. 278.]

A company of three hundred soldiers was sent forward to occupy the abbey of Melrose, whom Douglas attacked and nearly exterminated. This deterred the now debilitated English army from encamping in the neighbourhood, and hastened their departure across the Border, after taking what revenge they could by destroying the monasteries of Melrose and Dryburgh and killing a few feeble monks who had not been able to flee. On arriving in their own country the soldiers fell so voraciously upon the food furnished to them, that in addition to those already slain by starvation great numbers died of dysentery, the total loss being about sixteen thousand men.

While Edward re-entered England by the East Marches, Bruce, with a force which Barbour states as eighty thousand men, crossed the Solway Firth, and after wasting all the country around Carlisle, proceeded to lay siege to Norham Castle, on the river Tweed. Here, probably, he was joined by Douglas, and as the fortress was too strong to be quickly reduced, the siege was suddenly raised.

Edward had by this time reached Biland Abbey, a religious house between Thirsk and Malton in Yorkshire, where he reinforced his army by new levies, and rested while they assembled. Here he received the news of the abandonment of the siege of Norham Castle, and again taking heart, issued orders for the further increase of his army to pursue the war. Bruce, however, had left Norham only for a bolder venture, nothing less than to meet the English king and his army on their own soil, and indeed in the very heart of England.

The Scots made their advance secretly, choosing a way through the rocky district of Blakhoumer, which, on account of its inaccessibility, they had hitherto avoided. Desolation, as usual, marked their entire course. Directing their march towards the Abbey of Biland, the Scots encountered a strong English force under Sir John of Brittany, Earl of Richmond, who had been sent out to reconnoitre the advance of the Scots. The English posted themselves along a steep and rugged hill between

the abbeys of Biland and Rivaulx, across which, through a narrow pass, lay the way to Biland. A council of the Scottish commanders was held, and Douglas volunteered either to force the pass or compel the English to come down to the plain. His offer was accepted, and the bravest of the Scots at once flocked to his banner. As he proceeded to the scene of conflict he was joined by Randolph, Earl of Moray, who, rather than remain among the spectators, went simply as a volunteer. The entrance to the pass was contested by Sir Thomas Uchtred and Sir Ralph Cobham, two English knights, but, after a stubborn resistance, both were overpowered, and Cobham fled, while Uchtred, disdaining to do so, was taken prisoner.

A more formidable impediment to the passage of the Scots was caused by the stones and masses of rock which the English on the heights hurled down upon them. To check this, Bruce selected from his ranks all the "Irishry" of the Western Isles and Argyllshire, who, from their experience among their native mountains, were as nimble as deer. These he directed to scale the crags and attack the English from above, which was done, and the English were driven from the hill. Their main body did not await the arrival of the Scots, who now rapidly defiled through the pass, and Edward, as soon as he heard of Richmond's discomfiture, lost no time in taking his departure from Biland Abbey, hotly pursued by Walter the High Steward to the gates of York.[1] So suddenly had he been compelled to take to flight, that the royal plate, treasure, and baggage were left to their fate, and as had been the case on his inglorious flight from Bannockburn, when he was chased by Douglas to Dunbar, so now for a second time Edward sustained the loss of his privy seal.[2]

[1] Tytler says that the chase lay in the opposite direction to Bridlington; but Barbour, Walsingham, Leland, and the Chronicle of Lanercost, all agree that it was to York, which indeed was the English king's nearest place of refuge.

[2] Rymer's Fœdera, vol. ii. p. 498.

His army, which lay around Biland, was routed with great slaughter. Many fled to the neighbouring abbey of Rivaulx, on the river Rye, but it was soon reduced, and not a few prisoners of note were there taken, including the Earl of Richmond, and Henry of Sully, grand butler of France, who, with other French knights, had joined the standard of Edward. It fared ill with Richmond, who, on account of some insolent remarks, which had been reported to Bruce, was treated with marked disdain, and placed in strict confinement, until, after some lapse of time, he was ransomed for twenty thousand pounds.[1]

The French knights, on the other hand, were treated with kindness and courtesy, invited to remain at the Scottish court while they pleased, and afterwards, when they desired to return to France, Bruce loaded them with gifts, and sent them away. The Scots spoiled the monasteries of Biland and Rivaulx, enriching themselves with Edward's private treasures, then spreading over the district as far as the Wolds, and all around York, they scattered desolation and destruction everywhere. At Beverley they stayed their hand, being prevailed upon to spare that town in return for an indemnity of four hundred pounds; then admonished of the approach of winter, and having spent upwards of a month in England, they retraced their steps homeward, entering Scotland on the 2d November with a multitude of prisoners of varied rank, and with immense spoil, both of kind and cattle.[2]

To Douglas himself at the battle of Biland three French knights, with their squires, had surrendered, Robert and William Bertram and Elias

[1] Barbour's Bruce, p. 436. The Pope threw upon Edward the duty of ransoming Richmond and Sully.—[Rymer's Fœdera, vol. ii. p. 507.] Sully afterwards repaid Bruce's kindness by acting as intermediary in the negotiations for peace which followed this battle.—[*Ibid.* p. 511.]

[2] Barbour's Bruce, pp. 431-437; Chronicon de Lanercost, pp. 247, 248; Leland's Collectanea, vol. i. p. 250; Walsingham, p. 95; Goodall's Fordun, vol. ii. pp. 278, 279; Raine's Letters from Northern Registers, pp. 316-323.

Anillage, whose ransom was fixed at four thousand four hundred merks sterling. To please the King of France, Bruce, as already stated, extended special favours to the captured French knights, and in return for foregoing the amount of the ransom of these three, Douglas received from Bruce the famous grant known as the Emerald Charter. This was a gift, not of lands, but of the criminal jurisdiction of all the extensive baronies which Douglas held of the Crown at that time; of the "indictments of robberies, and full administration thereof," over all his lands within the kingdom, with the exception of articles relating to manslaughter and the Crown, which the king reserved. It further freed James, Lord of Douglas, and his heirs and tenants, from all the usual feudal services, such as suits of court, warding of castles, poindings and captions, etc., except the common aid due for the defence of the realm. One feature which was unique about this grant was the mode of investiture, which was given by the king taking an emerald ring off his own finger and placing it on the finger of the Lord of Douglas, as an enduring memorial in name of sasine, that the grant should be firm and secure to him and his heirs for ever. It is also worthy of remark that the grant is made absolute, and is not accompanied with any terms of reddendo. This extensive judicial authority was conferred on Douglas when the king and he were together at Berwick-on-Tweed, on 8th November 1324.[1]

King Robert during the month following the grant of the Emerald Charter to Douglas appears to have remained in the town of Berwick, disposing of the lands there which had belonged to his rebellious subjects. Here, too, he received in open council the resignation of a portion of the lands of Alexander of Keith, which lay in the barony of Longforgan. Thence he proceeded to Arbroath, where, on 6th February, James, Lord of Douglas, attested a regrant of these lands to Alexander Keith, and

[1] Vol. iii. of this work, pp. 11, 12.

failing heirs-male, to his daughter Agnes and her husband, William Avenel.[1] The king, however, returned to Berwick at the close of this month, and here Sir James, Lord of Douglas, received a grant of the lands of Buittle in Galloway. This included the whole parish of that name, with the exception of the lands of Corbettoun, and those belonging to Patrick MacGibbothyn. The lands of Buittle, of which the marches are explicitly stated, and on which was situated the castle of John Baliol, were given to Sir James Douglas and his heirs in free barony, with exclusive jurisdiction, except in the four pleas of the Crown, and with the rights of patronage of churches, liberty of burgh, wreck of the sea, anchorages of harbours, etc., for a pair of gilt spurs yearly to be rendered at Troqueer.[2]

In the month of March following King Robert the Bruce held his Parliament at Scone. Sir James Douglas was present, and received from the king a special commission in favour of the monks of Melrose. To rebuild their church from the ruins left by the English army in their last retreat from Scotland, King Robert at this time granted to the abbot and convent all the duties exigible from the justiciary and sheriff-courts of Roxburghshire, to the extent of two thousand pounds sterling. The officials were instructed to give this debt of the king preference over all other claims until the amount was paid. To insure that these dues were diligently collected and faithfully paid to the church, Bruce appointed James, Lord of Douglas, super-auditor of the accounts, and executor, with viceregal powers of justiciary, for enforcing the payment.[3] The amount, however, had not been realised forty-three years later, as in 1369, King David the Second confirmed the gift made by his father, and appointed Sir Archibald of Douglas in room of his late father, Sir James, to oversee the discharge of the debt.[4]

[1] Original Charter in Glamis Charter-chest.

[2] Vol. iii. of this work, pp. 12, 13.

[3] Liber de Melros, vol. ii. pp. 325, 326.

[4] Confirmation of charter, 16th September 1369, *ibid.* pp. 405-407.

During the years 1325 or 1326, Douglas, in company with Bishop Lamberton of St. Andrews, paid a visit to the castle of Tarbert on the east coast of Kintyre, then in process of erection. This is shown by the following entry in the Chamberlain Rolls for that period: "To litter for the chambers of the Lord Bishop of St. Andrews, and Sir James, Lord of Douglas, with the cutting and carriage of branches of birch for repairing the hall and chambers, 2s. 2½d."[1] The ruins of this castle still form a picturesque object on the coast of Argyllshire. King Robert appears in his later years to have taken delight in cruising about the western islands, and he was probably so engaged when Douglas and the Bishop of St. Andrews were at Tarbert.

After his disastrous defeat at Biland Abbey in 1322, Edward the Second of England was fain to obtain a truce from the hands of Bruce, who, however, only consented after the Grand Butler of France, Henry de Sully, had used his influence in Edward's favour. During the negotiations Bruce manifested his contempt for his foe by giving out that he was about to send another expedition into England, the news of which caused the English king to summon his vassals for defence of the country. They were, however, spared the invasion, and a truce of thirteen years' duration was at last arranged, in the course of which Edward was obliged to acknowledge Bruce as King of Scotland.[2] Sir James of Douglas was one of the magnates of Scotland, whose oaths for the observance of the truce Edward of England directed his Commissioners to receive.[3] It was with no good will that Edward entered into the truce at all, and he resorted to his former practice of stirring up the Pope against the Scots. Randolph, Earl of Moray, had been despatched to Rome by Bruce to endeavour to conciliate the Pope, and so far succeeded that the latter addressed a bull to Bruce, in which he addressed him as King of Scotland. This gave offence to Edward,

[1] Exchequer Rolls of Scotland, vol. i. p. 58.

[2] Rymer's Fœdera, vol. ii. pp. 510-524.

[3] *Ibid.* p. 522.

who, on remonstrating with the Pope, received the reply that it had been done for prudential reasons, and not in the way of determining Bruce's right to the throne of Scotland. The Pope desired that his missive should reach Bruce, and, no doubt, mindful of the treatment which his emissaries received at the hands of the Scots when on a former occasion they sought to deliver letters to the king without due acknowledgments, did not desire to see them again rejected. Edward, however, so far succeeded in his persistent negotiations at Rome that at his special instance the petition of the Scots for the removal of the ecclesiastical censures under which they lay was refused, and for this he was profusely grateful.[1] At another time he found fault with the wardens of the Marches for granting safe-conducts too freely to the Scots,[2] and shortly afterwards instructed the Bishop of Durham and others to fortify the castles of Norham, Alnwick, and others against the Scots.[3] But in the same year he was deposed from the throne of England by his own son.

England's relations with Scotland did not improve with the assumption of the reins of government by King Edward the Third. He was but a boy at the time, and though his Council were bound to respect the treaty between the two countries, they did so in a manner which, in connection with former marks of disrespect, provoked the Scots to resentment. Bruce's regal dignity was ignored, and acts of piracy were committed on Scottish merchant ships at sea,[4] until Bruce, says Tytler, declared his resolution of disregarding a truce already violated by one of the parties, and of instantly invading England, unless prevented by a speedy and advantageous peace.[5] The Scots appear to have been the aggressors in this open breach of the truce, and Bruce is even said to have sent a challenge to the King of England. If the representations of the English authorities are to be accepted,

[1] Rymer's Fœdera, vol. ii. pp. 609, 613.
[2] *Ibid.* p. 624.
[3] *Ibid.* p. 626.
[4] Barbour's Bruce, p. 446.
[5] History of Scotland, vol. i. p. 350.

Edward was in the belief that they were merely coming to the Borders for the ratification of the truce, when the Scots laid siege to Norham Castle on the very night of the young king's coronation at London.[1] On learning this, Edward gave orders for a general muster of his army at Newcastle-on-Tyne,[2] and declared his intention of being himself present in person at the Assembly.

In his brilliant and sparkling narrative of the events of this time, Froissart includes the story of the campaign which now ensued between Scotland and England. He gives so lively a picture of the Scottish soldiery of the period, and of their mode of foray and warfare, that though it has been often quoted, it is impossible to resist the temptation of transferring it to these pages.

"The Scots are bold, hardy, and much inured to war. When they make their invasions into England, they march from twenty to four-and-twenty leagues (miles) without halting, as well by night as day; for they are all on horseback, except the camp-followers, who are on foot. The knights and squires are well mounted on large bay horses, the common people on little Galloways. They bring no carriages with them on account of the mountains they have to pass in Northumberland; neither do they carry with them any provisions of bread or wine; for their habits of sobriety are such in time of war that they will live for a long time on flesh half-sodden, without bread, and drink the river-water without wine. They have, therefore, no occasion for pots or pans; for they dress the flesh of their cattle in the skins, after they have taken them off: and, being sure to find plenty of them in the country which they invade, they carry none with them. Under the flap of his saddle, each man carries a broad plate of metal; behind the saddle, a little bag of oatmeal: when they have eaten too much of the sodden flesh, and their stomach appears weak and empty, they place this plate over the fire,

[1] 1st February 1327. Chronicon de Lanercost, p. 258. [2] Rymer's Fœdera, vol. ii. p. 702.

mix with water their oatmeal, and when the plate is heated, they put a little of the paste upon it, and make a thin cake, like a cracknel or biscuit, which they eat to warm their stomachs: it is therefore no wonder that they perform a longer day's march than other soldiers. In this manner the Scots entered England, destroying and burning everything as they passed. They seized more cattle than they knew what to do with. Their army consisted of four thousand men-at-arms, knights and esquires, well mounted; besides twenty thousand men, bold and hardy, armed after the manner of their country, and mounted upon little hackneys, that are never tied up or dressed, but turned immediately after the day's march to pasture on the heath, or in the fields. This army was commanded by two valiant captains. The King of Scotland himself, who had been very brave, yet being old, and labouring under a leprosy, appointed for one that gallant prince, so renowned in arms, the Earl of Moray, who bore upon his banner argent three pillows gules; the other was Sir James Douglas, esteemed the bravest and most enterprising knight in the two kingdoms: he bore for arms, azure on a chief argent. These two lords were the greatest barons, and most renowned for their prowess and other feats of arms."

Another vivacious chronicler, Holinshed, refers to the appearance of the English soldiery in this campaign. They were all clothed in coats and hoods embroidered with flowers and branches very seemly, and they used to nourish their beards. He adds that the Scots, in derision thereof, made the following rhyme, which they affixed to the church-door of St. Peter toward Stangate:—

"Long beardes, harteleese,
Paynted hoodes, wytleese,
Gaye coates, graceleese,
Make Englande thriftleese."[1]

As Froissart observes, Bruce was now no longer capable of personally

[1] Holinshed's Chronicle, vol. ii. p. 890.

conducting the expeditions of his army, as he was afflicted with the disease of leprosy. To his well-tried generals, therefore, Sir James of Douglas, and Randolph, Earl of Moray, the king committed the command of the Scottish army in three divisions. With them he associated Donald, Earl of Mar, a kinsman of his own. Before the end of June, Randolph and Douglas crossed the Border, devastating all the parts of Northumberland through which they passed, and ravaging the whole district of Weardale in Durham.[1] Thence they proceeded to Appleby in Westmoreland, and their arrival there was signified, about 1st July, to the young King of England in a letter by his uncle, the Earl of Kent.[2] Upon this Edward the Third, then at Durham, gave orders for strongly fortifying the city of York, as his mother, brother, and sisters were to remain there during the war;[3] and placing himself at the head of a magnificent army, numbering altogether between fifty and one hundred thousand men (historians fluctuate between these two figures), he proceeded, it is said, to Barnard Castle.[4] The Scottish army, composed, as Froissart relates, of light and heavy cavalry, amounted to about twenty-four thousand men. Though their whereabouts was indicated by the smoke of burning villages and the desolation which usually marked the track of the Scots in England, the English leaders could not come up with the Scottish army. Yet the latter were only a few miles in advance. Two days were spent in this fruitless chase, the Scots leading their pursuers over mountain and valley and through marshes until the English soldiery were completely exhausted. There were such marshes, and savage deserts, mountains and dales, says Froissart, that the English soldiers were forbidden, on pain of death, to pass before the banners of the marshals. Edward and his councillors were, however, determined to prevent the return of the Scots to their own country, and at midnight the English army was called to arms to

[1] Barbour's Bruce, p. 448.
[2] Chronicon de Lanercost, p. 539.
[3] Rymer's Fœdera, vol. ii. p. 709.
[4] Chronicon de Lanercost, p. 259.

pursue their journey at break of day. The object in view was by a forced march to take possession of Hayden Bridge on the Tyne, by which it was expected the Scots would cross that river. So confident were the English commanders of bringing the Scots thus to a final and decisive engagement, that each soldier was ordered to carry with him but one loaf of bread, and no provision was made for the horses, while all baggage was to be left in the wood in which they were encamped.

When day began to appear the English set forward in all haste, "through mountains, valleys, and rocks, and many evil passages." Night was falling again when the vanguard of the army reached the Tyne, but a passage was effected, and Edward, with a large portion of his army, took up their position on the north bank of that river, in small comfort, as they had brought no implements with them to construct lodgings, neither had they food. To add to their discomfiture, rain began to fall heavily, which swelled the river to such a height that the passage of the rest of the army in the morning was rendered impossible. In these circumstances the English host remained, some on the one side, and some on the other side of the river, for eight days, during which they knew not where the Scots were, but still expecting they would return by this ford as they had come by it. The Scots, on the other hand, knew as little about the whereabouts of the English host, and so they remained posted strongly on a hill in Weardale, beside the river Wear. But the comfort and plenty in their camp was in perfect contrast with the wretched and famine-stricken condition of their foes.

After a seven days' sojourn on the banks of the rain-swollen Tyne, the discontent and murmurs of the soldiers compelled the English commanders to abandon their resolution of awaiting the arrival of the Scots. Edward accordingly, on the 27th of July, gave orders for recrossing the river and returning southwards on the following day. At the same time he offered the

reward of knighthood from his own hands and the heritable gift of a hundred-pound land to the man who first brought tidings of the whereabouts of the Scots. This caused a number of squires and knights to scour the country around, and one of these, Thomas de Rokeby, had the good fortune to fall into the hands of the Scottish outposts. Rokeby was led before the Scottish commanders, to whom he frankly confessed his mission, and the reward promised by Edward. They at once dismissed him in order to earn his reward, with instructions to make all haste and to inform the English king that they had been waiting his advance for the last eight days in as perfect ignorance of his whereabouts as he had been of theirs, and that they would now be glad to meet with him.

Meanwhile the English host was slowly retracing their steps southward, and had already spent three days on the march, amid the tokens of the desolation wrought by the Scots. On the fourth day, the 1st of August, as they approached Blanchland on the Derwent, where the ruins of the little abbey there reminded them of their hitherto unseen foes, Rokeby came up in all haste to the king with his information and message that the Scots were awaiting his attack within a few miles of his present position. After resting and collecting his troops, and conferring on Rokeby his well-earned reward, Edward set forward under the guidance of the newly-made knight. In a short space the armies were in view of each other for the first time, although the campaign had already extended over a fortnight.

Barbour narrates that on the approach of the English host, Douglas went out to reconnoitre, leaving his comrade Randolph in charge of the camp. On the return of Douglas, Randolph inquired if he had seen the enemy, and, in reply, Douglas told him of the splendour of the English host, of their immense numbers, and that they were advancing in no fewer than seven battles. Randolph met the intelligence with the response that though they were as many again, they should fight with them. To which Douglas

is said to have replied, "Sir, praised be God that we have a commander that dare undertake such deeds; but, by St. Bride, if my counsel be taken, we shall by no means fight unless at a clear advantage; for, in my opinion, where the numbers are so disproportionate, it is no dishonour to the weaker party to use every advantage they may chance to obtain."[1]

On this principle Sir James Douglas carried out this entire campaign, and brought it to a successful issue, while to have acted on Randolph's chivalric but imprudent suggestion, would have been to court certain destruction. Both leaders were largely gifted with a high degree of bravery and courageous daring; but Douglas, while on all fitting occasions displaying his activity and prowess, in which he at no time more distinguished himself than in this campaign, qualified it with such a measure of patient and cautious prudence, that it was almost impossible ever to find him off his guard.

When the English leaders perceived the strong and impregnable position chosen by Douglas,—a high hill, at the foot of which ran in a rocky bed the rapid river Wear, his army, in three divisions, commanding the precipitous heights at every point,—they felt that an attack on the Scots, posted as they were, was a hopeless task, and resorted to stratagem in order to allure them from the hill. Heralds were sent to invite the Scots to come down to the plain, and the English offered to give them time to set their battle in array there, or else to allow them to pass the river and obtain a footing on the other side. But the Scots declined the request, and returned a message that as they had come without the leave of the English king and his lords, and had done as they pleased in their passage through the country, which the English might amend if they could, so they would remain where they were so long as it pleased themselves. The English thereupon resolved to besiege the hill, as they could not storm it, thinking to starve the Scots into submission, as they knew they were destitute of other provisions, although they had

[1] Barbour's Bruce, pp. 448, 449.

great abundance of cattle. For three days the armies faced each other on opposite sides of the river. On one of these days the English detached a force of one thousand archers, inwardly well fortified by wine, and supported by a body of men-at-arms, to endeavour to break the ranks of the Scots by an attack on their flank. Douglas observed the movement, and at once took steps to meet it. Placing a strong body of mounted spearmen under the command of his youngest brother, Archibald Douglas,[1] and the Earl of Mar, he pointed out a place of concealment where he desired them to lie in wait until they got his signal to pursue and slay the foe. Donning a gown over his armour, Douglas went forward to meet the archers, and when within a short distance, began to retreat in the direction of the ambuscade. It was not until they were within bowshot of the Scots, that an English knight spurred his horse forward to the archers to warn them that the man they were following was none other than Douglas, who would play them a trick. At the mention of the name, the boldest quailed, and the whole body of the archers turned and fled. Too late; Douglas raised his hand, and the hidden spearmen dashed forward to the rout. Before the archers regained the river three hundred bodies strewed the field. So vigorous was the chase, that Sir William Erskine, a Scottish knight of that day's creation, was borne by his charger into the midst of the Englishmen, who made him prisoner. But he was immediately exchanged for several Englishmen taken by the Scots.

Another attempt of a similar kind was met by Douglas with equal success. The English knew there was no possibility of their prevailing unless they could dislodge the Scots from their chosen heights. Secreting a

[1] Archibald Douglas is said also to have signalised himself in this campaign by foraging expeditions in Durham, and to have encountered a band of Englishmen at Darlington, whom he defeated with great slaughter.—[Scalacronica, p. 154.] Hailes thinks this must have occurred when Edward was camping by the river Tyne.—[Annals, vol. iii. p. 72.]

strong force in a valley behind the Scots, the English leaders formed the rest of their entire strength in line of battle in front, and advanced to the attack. The Scots descended to meet them, but having been apprised by his scouts of the ambush in rear of the hill, Douglas caused his soldiers to return at once to the summit, where they could with ease defend themselves against both attacks if made. "They flee," cried the English. "Not so," replied Sir John of Hainault, the leader of the foreign cavalry employed by Edward, who at once perceived the stratagem. "That flight is well planned. I see their armed men behind them, and they are but assuming their former position, ready to defend themselves if pressed. They have seen our ambush. Yon folk are wisely governed, and their leader for advice, worship, and wisdom, is fit to govern the empire of Rome."[1]

During the three nights spent by them on the hill, the Scots kept large fires burning, and raised a great din by blowing horns and uttering tremendous shouts. When the morning of the fourth day dawned, to the astonishment of the English, the hill which the night before had resounded with the shouts of the Scots was now bare and tenantless. A search for the truant foes resulted in their discovery in the afternoon, posted on another hill in Stanhope Park, by the same river side, about two miles distant from their former camp, and in a position even more inaccessible than the former, being defended by the river in front and by a spacious forest in the rear. Hither they were followed by the English, who likewise took up a position on the north bank of the Wear similar to the one they formerly occupied.

That same night when the English host had just settled into repose, Sir James of Douglas, choosing out two hundred (according to Froissart, although Barbour says five hundred) of his sturdiest men-at-arms, rode off silently, and having crossed the river at some distance from the rival camps, accosted

[1] Barbour's Bruce, pp. 447-454.

the English outposts with the remark, "Ha, St. George! no watch!" Thinking him one of their own officers on his rounds, they made no opposition, and Douglas dashed furiously into the English camp, he and his men slashing at the tent ropes as they went, bringing down the canvas about the sleeping soldiers, and slaying any they came across. With a select few, Douglas himself pressed forward to the royal pavilion, cut the ropes, and would have slain the young king had not the royal chaplain and several of the king's personal attendants sacrificed their own lives, and suffered the king to escape. The alarm had now been raised, and Douglas, whose terror-inspiring name had been resounding through the English camp, blew his horn, and gathering his men, charged back through his rapidly thickening foes. At one point, according to Barbour, the leader was cut off from his companions by a resolute Saxon armed with a massive club; but Douglas's great strength once more saved him, and the fellow was slain. With insignificant loss, Douglas regained the shelter of his own camp, and to Randolph's inquiry as to the success of his expedition, replied, with a touch of disappointment in his tone, that "They had drawn blood, but that was all."

Randolph was of a mind to fight in open battle, but Douglas would not consent, and gave it as his opinion that they should retreat towards Scotland. To enforce his advice, Douglas is represented by Barbour as telling Randolph the story of a fox which entered the lodge of a fisherman in his absence, and proceeded to breakfast on a salmon which lay there. The fox was disturbed in his meal by the return of the fisherman, who, on observing the intruder, seized a weapon and stationed himself in the doorway. This being the only means of exit, the fox was nonplussed, but observing the fisherman's mantle lying on the bed, seized it with his teeth, and drew it across the fire, which was burning on the hearth. To rescue his garment the man dashed forward to the fire, and Reynard having got the passage clear, lost no time in taking his departure, leaving the fisherman

to bemoan the loss of both salmon and mantle. "The English," he added, "are the fisherman, we the fox. They bar the way by which we should return home, but I have found out a road which, though somewhat wet, will afford us the means of retiring unmolested." To this course they were compelled by the impossibility of making any forays in search of food, and their present stock would not last them long. It was accordingly resolved that, without indicating to the soldiers for what purpose they were to do so, all should hold themselves in readiness to follow the banner of Douglas by the following midnight.

Next day (August 5th) the Scots were busy with their preparations. One of them, who chanced to fall into the hands of the English, was so hard pressed, that he gave information to the English of what was going forward, but was unable to say for what purpose. The English, fearing an attack, set themselves in array for battle at nightfall, and remained under arms all night, momentarily expecting the onset of their foes. The Scots had as usual, on darkness setting in, lit large fires, and set up their wonted din with horns and shouting; but at midnight they took their departure, and by daybreak were far on their journey homewards. Two Scottish trumpeters were shortly afterwards found and brought into the English camp, who stated that they had been left to inform the English of their countrymen's departure. On sending for confirmation of this news the English found the hill deserted, but where the Scottish camp had been was the miserable spoil of five hundred dead cattle, three hundred undressed leather caldrons fixed upon stakes over the fires, full of water and flesh to be sodden, and upwards of a thousand spits with meat ready to roast, with more than ten thousand old leather brogues, still bearing the hair. Five English prisoners were also found in the camp, naked and tied to trees, some of them with their legs broken, being those probably, says Hailes, who had been wounded in the skirmishes, and who could not be removed.

The English also discovered the way by which the Scots had taken their departure, namely, across a most dangerous moss, through which they had constructed a road with branches of trees, removing these as soon as they had passed, in order to prevent pursuit. It is said that when the English saw the route chosen they were afraid to pursue.

The English council of war decided that a pursuit of the Scots was worse than useless, and resolved to return to York. The youthful sovereign wept in grief and chagrin at the escape of his enemies. But as fully a month had been spent in pursuing a handful of Scots without a single opportunity of inflicting a blow, during which time their own magnificent army had from want and hardships suffered enormous loss, the English leaders deemed it imprudent to continue the inglorious struggle. They made the best of the situation they could, as appears from a summons to the Archbishop of Canterbury, dated 7th August, for the meeting of a Parliament at Lincoln, to consult about the defence of the kingdom, in which the king is made to say, that he had gone north to bridle the insolence of the Scots, but that they, after being surrounded, as far as possible, in Stanhope Park, slipped away secretly under cover of night. He, however, gives as a reason for calling the Parliament, that the Scots had threatened to return soon to the damage of the country.[1] At Durham, where, after a march of two days, the English rested, they found the baggage which they had left in the wood, when so eager to forestall the Scots at the Tyne. It had been recovered by the inhabitants of Durham and carefully looked after. On the 15th August they arrived at York, and there the English army was thanked and dismissed.

Alarmed at the prolonged absence of his army in England, King Robert the Bruce collected another army, and despatched it, under the command of the Earls of March and Angus, for the relief of Douglas and Randolph. The two forces had the good fortune to meet on the day following the departure

[1] Rymer's Fœdera, vol. ii. p. 712.

of the Scots from Stanhope Park, and returned together to Scotland.[1] Douglas, however, made good his threat of returning to England; for Bruce having again laid siege to Norham Castle, which he succeeded in reducing, Douglas and Randolph made an assault on the castle of Alnwick, both of which had been recently strengthened by Edward's orders. It is said that while portions of the Scottish army were occupied with these fortresses, Bruce with another division rode up and down Northumberland, as if it was his own kingdom, parcelling out the estates and making grants of them to such as he pleased.[2] The siege of Alnwick was not successful, or it was raised in order that the entire force might be concentrated upon the reduction of the strong fortress of Norham. Percy afterwards ventured out of his castle and made a raid into Teviotdale, but the fact being reported to Douglas, he threw himself between Percy and his castle of Alnwick, and forced him to flee, under cover of night, to Newcastle.[3]

Although the English Parliament at Lincoln, in September 1327, had been summoned for the prosecution of the war with Scotland, better counsels prevailed, and on commissioners being appointed to treat with the Scots, Bruce at once consented, and arrangements were made for carrying on the negotiations with all celerity. Safe-conducts were granted by Edward for no fewer than one hundred Scots to come to York, and the king's officials were instructed to receive and treat them with all honour.[4] A provisional truce was arranged, and the terms of the proposed treaty of peace were discussed in Parliament at York, the chief managers of the business being Mortimer for the English, and Douglas for the Scots.[5]

It was only now, indeed, that Scotland won her hard-fought-for prize —her national independence—which had cost her war for so many long

[1] Barbour's Bruce, pp. 465, 466.
[2] *Ibid.* p. 467.
[3] Scalacronica, p. 155.
[4] Rymer's Fœdera, vol. ii. pp. 719, 723, 728.
[5] Walsingham, p. 109; Hailes' Annals, vol. ii. p. 140.

years. But it had also cost the English dear, and they might well congratulate themselves on the loss of such a possession, which to them, indeed, was never more than ideal. It was fitting, too, that Sir James of Douglas, whose father had borne his share in the beginning of these heroic struggles, and who himself, in common with Wallace and with Bruce, had contributed so much to their success, should now in Scotland's name receive from Edward's hands the reward of victory. For before any other matter was entered upon, it was demanded by Scotland, and yielded by a decree of the English Parliament, that Bruce be recognised as rightful and lawful king of Scotland, and Scotland as an independent kingdom, all right or claim of superiority being renounced by the King of England for ever. To confirm this, Edward authorised his commissioners to take oath upon his soul.[1]

An enduring peace was then agreed upon, and, to seal it, the marriage of Prince David of Scotland to the sister of Edward the Third, Princess Joanna of England, was arranged. The other terms of the treaty were likewise most advantageous and favourable to Scotland, and it was ratified by Bruce himself and the English commissioners, at Edinburgh, on 17th March, and by Edward, at Northampton, on 4th May 1328.[2]

The peace was also the occasion of the restoration to Sir James Douglas of the barony of Fawdon, in Northumberland, and of "all the other lands and tenements and rents which William of Douglas, his father, had held in the kingdom of England." The grant was made at Eltham, in the county of Kent, on 12th May 1329.[3]

Bruce's increasing malady prevented him from gracing with his own presence the nuptials of his son, the young Prince David, now only in his fifth year, with the Princess Joanna of the Tower, as she was also called, from the circumstance of her having been born in that fortress, who was only in

[1] 1st March 1328. Rymer's Fœdera, vol. ii. p. 730.

[2] *Ibid.* pp. 734, 735, 740, 741. [3] Vol. iv. of this work, pp. 4, 5.

her seventh year. He, however, appointed Douglas and Randolph to take his place. They accordingly accompanied the Prince, now created Earl of Carrick, from Cardross to Berwick, and there, in the king's name, received the Princess from the Queen Dowager of England and the English commissioners, for neither did the King of England personally take part in the proceedings. The marriage was celebrated in Berwick amidst great festivities and rejoicing, the people of both countries fraternising happily together.[1]

Bruce made Cardross, on the Clyde, his residence during the last years of his life, and it was there that he was seized with the fatal attack of his illness which terminated a noble and eventful career. There, too, he kept his court, at which Douglas appears frequently. Bruce was not, however, confined to his mansion on the banks of the Clyde, for Douglas was with him at Glenluce a few weeks before his death.[2] He was again at Cardross in the month of May, by which time Bruce was aware of his approaching dissolution, and, in view of that event, was employed in settling his worldly affairs. On the 10th of that month he bestowed the lands of Esschelis or East Shiels, in Peeblesshire, upon William, son of the deceased Sir James Douglas of Lothian, and to this gift Sir James of Douglas was a witness.[3] On the following day Bruce granted a letter of protection to the Abbey of Melrose, threatening with forfeiture any who should wrong

[1] Barbour's Bruce, p. 470.

[2] 29th March 1329. Antiquities of Aberdeenshire, etc., vol. iv. p. 712.

[3] Registrum Honoris de Morton, vol. ii. p. 29. The grandfathers of the good Sir James, Lord of Douglas, and Sir James of Douglas de Laudonia, were brothers. These two knights, thus related, from the similarity of their names, are apt to be confused by historians, but they are carefully distinguished in charters in which their names occur. The latter held the position of Justiciar of Lothian, and received from King Robert Bruce several substantial acknowledgments of his services. His son, Sir William Douglas of Lothian, known also as the Knight of Liddesdale, rose to higher distinction than his father, and may be said to have succeeded the good Sir James in popular fame, being called by his compatriots "The Flower of Chivalry." He was a famous leader in the later wars of independence.

or injure the monks, and commanding all who exercised judicial authority throughout the realm to compel the debtors of the Abbey to pay their obligations. On the same day, the king also caused what has been called his death-bed letter to be written, specially addressed to his son, the young Prince David, and his successors on the throne, enjoining the Prince to protect the Abbey from spoilers, and to aid the monks in every way possible in the building of their new church; "in which," he says, "I have arranged that my heart shall be buried."[1]

The affecting death-bed scene in which King Robert the Bruce imposed upon his faithful and heroic comrade and subject the hazardous mission of conveying his heart to the holy sepulchre at Jerusalem, has been described by Froissart and also by Barbour, and is well known. Both of these writers give vivid and touching sketches of what took place, and agree in the main, though differing a little in detail. It is the prelude to the last eventful scene of the life of the good Sir James. Froissart's narrative is very graphic. In it he says:—

In the meantime it happened that King Robert of Scotland was right sore, aged and feeble, for he was greatly charged with the great sickness, so that there was no way with him but death. And when he felt that his end drew near, he sent for such barons and lords of his realm as he trusted best, and showed them how that there was no remedy with him, but he must leave this transitory life. He commanded them, on the faith and truth they owed him, truly to preserve the realm, and aid the young Prince David, his

[1] Liber de Melros, vol. ii. pp. 328-330. These two letters, which are in different handwritings, are preserved in the collection of charter muniments which belonged to the Abbey of Melrose, and are now in the possession of His Grace the Duke of Buccleuch. To the letter of protection the great seal is still appended, but from the death-bed letter both seal and tag have disappeared, only leaving a mark on the parchment over which the tag had depended. A facsimile of the death-bed letter is given in the Liber de Melros, and also in the National Manuscripts of Scotland, vol. ii. No. xxix.

son, whom, when he became of age, he charged them to crown king, and give him their obedience. Then calling to his side the gentle knight Sir James of Douglas, he thus addressed him before all the lords:—

"Sir James, my dear friend, you know well that I have had much ado in my days to uphold and sustain the right of this realm, and when I had most difficulty, I made a solemn vow, which as yet I have not accomplished, whereof I am right sorry. That vow was, that if it was granted me to achieve and make an end of all my wars, and so bring this realm to rest and peace, I would go forth and war with the enemies of Christ, the adversaries of our holy Christian faith. To this purpose my heart hath ever intended. But our Lord would not consent hereto; for I have had so much to do in my life, and now in my last enterprise I have been seized with such a malady that I cannot escape. Seeing, therefore, that my body cannot go to achieve what my heart desireth, I will send my heart, instead of my body, to accomplish my vow. And because I know not in all my realm a knight more valiant than you, or better able to accomplish my vow in my stead, therefore I require you, my own dear special friend, for your love to me, and to acquit my soul against my Lord God, that you undertake this journey. In your nobleness and truth I so confide that I doubt not but what ye take in hand ye will achieve; and if my desires be carried out as I shall declare unto you, I shall depart in peace and quiet.

"I wish, as soon as I am dead, that my heart be taken out of my body and embalmed, and that, taking as much of my treasure as you think requisite for yourself and the company corresponding to your estate which will go with you in the enterprise, you convey my heart to the holy sepulchre where our Lord lay, and present it there, seeing my body cannot go thither. And wherever you come let it be known that ye carry with you the heart of King Robert of Scotland, at his own instance and desire, to be presented to the holy sepulchre."

Sir James and all the surrounding barons were unable to restrain their tears; but when he could command his speech, Sir James replied, "Gentle and noble king, a hundred times I thank your grace for the great honour you confer upon me, in placing in my charge a treasure so noble and so great. And, sire, though I be neither worthy nor sufficient for such a noble enterprise, I shall, with a glad heart, do all that you have commanded me, to the best of my true power."

"I thank you, gentle knight," said the king, "so that you will promise to do it."

"Undoubtedly, sire, I shall," replied Douglas, "by the faith that I owe to God and to the order of true knighthood."

"Then I thank you," said the king, "for now I shall die in greater ease of mind, seeing I know that the most worthy and sufficient knight in my realm shall achieve for me that to which I could not myself attain."[1]

Barbour's narrative differs only in this, that instead of Douglas being the king's choice alone, he was elected for the task by the nobles to whom Bruce confided his purpose, desiring them to select one of themselves for its execution. Their unanimous choice, says Barbour, fell upon the "douchty Lord Douglas,"—a choice which was but the echo of the king's own heart, and right welcome to Douglas.[2]

Bruce died on the 7th of June 1329, and was buried in Dunfermline Abbey, his heart being, in accordance with his desire, taken from his body, carefully embalmed, and placed in a costly silver casket. This act was in contravention of the papal canons, and involved the sentence of excommunication, as some time afterwards, in August 1331, Pope John, on the petition of Randolph, Earl of Moray, granted absolution to all who had participated "in the inhuman and cruel treatment" of the body of King

[1] Froissart's Chronicles (Lord Berner's translation), vol. i. pp. 28, 29.

[2] The Bruce, pp. 472-475.

Robert the Bruce. This document narrates the fact that Bruce's heart had been carried, at his own desire, by the deceased James of Douglas, a knight of Glasgow (that is, of the diocese of Glasgow, Douglasdale being in that see), into Spain, in war against the Saracens. The absolution was directed to the Bishop of Moray, who was commanded to give effect thereto.[1] From the reference in this document to Spain, Burton has inferred that Bruce's desire was that his heart should be conveyed thither and not to Jerusalem.[2] But all that can justly be inferred is that Bruce's heart had been taken to Spain. There is otherwise good evidence of Bruce's real desire that his heart should be taken to Palestine.

In preparing to carry out the sacred trust committed to him, Sir James Douglas applied for and received letters of safe-conduct from King Edward the Third, for that portion of the journey to the Holy Land which might lie within his jurisdiction. At the same time, the English King gave him a warm letter of introduction to Alphonso, King of Leon and Castile, requesting that monarch to treat with kingly courtesy the world-renowned warrior, who, he adds, "burning with love of the crucified, is about to set forth towards the Holy Land, to the aid of the Christians against the Saracens."[3] Douglas, however, did not immediately set out on his eastern expedition, but busied himself for several months, indeed, during the winter, in making preparations on a princely scale. In this interval he also set his own house in order.

According to Wyntown, Douglas was, unwittingly, the cause of the attempt by Edward Baliol to seize the Scottish throne. In the exercise of

[1] Theiner's Monumenta Hibernorum et Scotorum, p. 251. The question may have been raised by a petition addressed by Randolph to the Pope in the previous year, for leave to have his heart taken from his body after death, and buried in a separate place—a request which was granted him.—[*Ibid.* p. 249.]

[2] History of Scotland, vol. ii. p. 308.

[3] 1st September 1329; vol. iv. of this work, pp. 5, 6.

his powers of justiciary, he ordered the arrest of a yeoman, Twyname Lowrysown by name, who for being called to account by the ecclesiastical official of Glasgow for his licentious life, had seized the official (William of Eckford) in the town of Ayr, and compelled him to pay a good round sum of money before he would release him. As both Randolph and Douglas were dealing out strict and severe justice in their circuit courts to those who were convicted of such crimes,[1] Lowrysown knew he had good reason to fear the result, if captured, and seeing himself unable to avoid the strict search which was being made for him by Douglas's men, he stealthily departed by sea to France, attached himself to Edward Baliol, and incited him to his invasion of Scotland.[2]

Before his departure for Palestine Douglas piously commended his soul to the prayers of the Church, especially committing himself to the protection of the patron saint of the Douglas family, St. Bride or Bridget, on whose commemoration day (February 1, 1329-30) he bestowed on the Abbey of Newbotle the half land of Kulmad, the other half land being already in the possession of the Abbey, by gift of the deceased Roger de Quincy. The gift was made on condition that a choral mass should be performed at the altar of St. Bride, within their monastery, on her day, and also that in her honour the monks should on the same day feed thirteen poor people. The object of this grant was that St. Bride might intercede for the donor with God, and by her merits and intercessions purchase what was needful for his soul and body. If the monks were careless or negligent in carrying out these conditions, they

[1] It is related of Randolph at this time that he caused hang a man who had slain a priest, and who had gone to Rome and purchased absolution, but afterwards returned to Scotland. For though, said Randolph, the Pope might free a man from the spiritual punishment of his guilt, he could not free him from the effects of his crime against the law of the land. By this strict severity, and by making the local magistrates responsible for crimes committed, he is said to have made the country as secure as a man's own house. [Wyntown's Cronykil, Book viii. chap. 24.]

[2] *Ibid.*

ran the risk of forfeiting the grant, which was made in form of indenture at Douglas's own place of the Park of Douglas.[1]

It would seem from these and other instances of beneficence to religious houses, that Douglas had a considerable regard for the Church. He acted as the protector of some of the religious houses within the south of Scotland, especially in times of disturbance. For example, the Priory of Coldingham found it to their profit to make over to James, Lord of Douglas, their town of Swinton, "for his counsel and to have his aid in time of war," but the grant was evidently only for his lifetime, as the monks endeavoured to recover it after his death.[2] He also, shortly before the death of Bruce, acted as an arbiter in a dispute between the Abbey of Paisley and the monks of Simpringham in England.[3] Sir James maintained a chaplain of his own, named Richard, who is mentioned in connection with a debt of twenty-six shillings and eightpence from lands in Ednam belonging to the Prior of Coldingham at Martinmas 1325.[4]

According to Barbour, Douglas took his departure with the heart of Bruce from Scotland by ship from Berwick, and sailed direct for Spain, landing in that country, after a tempestuous voyage, at the port of "Grand Seville."[5] Froissart, however, is more circumstantial in his narrative. With the opening spring, he says, Douglas hastened his preparations, and having laid in great store of all that was necessary, he took ship at Montrose and sailed for Sluys, in Flanders. He hoped here to find some noble men who would accompany him in his enterprise, though he had brought a princely retinue with him from Scotland. This consisted of a knight-banneret, and seven

[1] Registrum de Neubotle, pp. 100, 101.

[2] The Priory of Coldingham (Surtees Society), p. 21.

[3] 13th February 1328-9. Registrum de Passelet, p. 28. This dispute lasted for many years, and was finally settled only in 1373, in the time of William, first Earl of Douglas.

[4] The Priory of Coldingham, Appendix, p. iii.

[5] The Bruce, pp. 478, 479.

other knights, with twenty-six esquires and other gentlemen of the noblest families of Scotland. His table displayed regal magnificence, with vessels of gold and silver, and music of trumpets and clarions and drums, as if he had been himself King of Scotland. All who came to visit him were royally entertained, according to their rank, "with two maner of wynes and dyuerse maner of spices." Douglas remained at Sluys twelve days, never landing, but making his headquarters in his ship.

After that time, hearing that Alphonso, King of Leon and Castile, was warring with the Saracen King of Granada, he resolved to offer his services in that war, and thereafter proceed to Palestine. He accordingly directed his course towards Spain, and landed at Valencia, whence he went straight to King Alphonso, who lay with his army on the frontiers, and was honourably received and entertained. According to Barbour, Douglas was the centre of the chivalric circle; the bravest pressed forward to see and greet one of so much renown. Several English knights were at this time present in the Court of Alphonso, one of whom was highly esteemed for his valiant bearing, testified as it was by the many scars he bore on his face. This knight had heard of the fame of Douglas, and longed much to see him, thinking that his face must be as much scarred as his own. To his astonishment, however, Douglas bore a wholly uninjured countenance, and on the knight's expressing his surprise, Douglas replied, "Praised be God that my hands were always able to defend my head."[1]

The armies of both Spain and Granada were marshalled near Theba, a castle on the frontiers of Andalusia and Granada, and a battle was imminent. According to Barbour, Alphonso gave the vanguard of his army to Douglas, placing under his command all the other foreign knights at Court. He represents Douglas as rallying his men before the action, bidding them do well and fear not, seeing that heavenly bliss was the reward of all who died

[1] The Bruce, pp. 479, 480.

in the service of God. In the conflict which ensued the Saracens were routed and fled, and were pursued by Douglas with such impetuosity that few could keep up with the chase. He, at last, finding himself supported by only about ten followers, drew rein and began to retire, when the Moors, seeing so few of their foes, closed in upon them. Douglas himself might have escaped, but seeing Sir William Sinclair of Roslin in the midst of a host of the enemy, he dashed in to his assistance. It was in vain. The Saracens numbered twenty to one of their opponents, and Sir James Douglas fell in his gallant attempt to rescue his countryman, several other Scottish knights, including Sir Walter and Sir Robert Logan, of the family of Restalrig, being also slain.[1]

By some chroniclers it is further added that before joining battle Douglas took the casket containing Bruce's heart, which he bore on his breast, and threw it from him into the midst of the ranks of the infidels, addressing it thus—"Onward as thou wert wont, thou noble heart! Douglas will follow thee." Holland, whose allegorical poem of "The Howlat" was written about the middle of the fifteenth century, relates this story of Bruce's heart being cast forward among the Moors. He was also the first to make the statement, generally ascribed to the inventive genius of Boece, whose history was not written until the early part of the sixteenth century, that Sir James of Douglas went first to Palestine, presented the heart of his late royal master, with many offerings and prayers, to the Holy Sepulchre, and having got it hallowed, re-hung it about his neck. After many battles with the infidels, Douglas was on his way back to Scotland with his sacred charge, presumably for its burial in Melrose Abbey, when he was driven by stress of weather on the coast of Spain, learned that the Saracens were there at war with the Christians, and offered his services, with the result that he was slain on the plains of Andalusia.[2] This version of Douglas's journey is likewise adopted by Godscroft.

[1] The Bruce, pp. 481-483. [2] Holland's Book of "The Howlat," cantos 38 and 39.



MONUMENT OF SIR JAMES DOUGLAS
IN ST BRIDES,— DOUGLAS.

Froissart differs from Barbour somewhat in his narrative of the battle. According to him Douglas was in command only of his own men upon one of the flanks of Alphonso's army. Seeing an advance being made, and thinking it was to action, wishing also to be amongst the foremost rather than the hindmost, he ordered his company to charge, which they did, raising their wonted battle-cry, "Douglas! Douglas!" He had thought the Spanish army at his back, but they had halted again, "and so," he says, "this gentle knight was enclosed and all his company with the Sarazyns, where as he dyd meruelles in armes, but fynally he coulde nat endure, so that he and all his company were slayne."[1] This fatal battle was fought on the 25th of August 1330.[2] All the Scottish companions in arms of Douglas, however, were not slain, and those that remained, having found the body of their leader, and the casket he so sacredly treasured, rescued both, and departed homewards in deep sorrow. Bruce's heart was reverently buried in the Abbey of Melrose, and the remains of Sir James of Douglas were laid to rest in the kirk of St. Bride in his native valley. A monument, erected to his memory by his son, Sir Archibald the Grim, Lord of Galloway,[3] probably about the year 1390, after his succession as third Earl of Douglas, still exists in the Douglas aisle of the former church of St. Bride. It is thus described by Blore :—

"The monument which tradition has assigned to the celebrated warrior we have just been noticing is on the north side of the Douglas aisle. The effigy is of dark stone, cross-legged. The right hand has been represented in the act of drawing the sword, the scabbard of which is held by the left. Owing, however, to the injury the figure has sustained, the right arm and hand are broken off and lost, from the shoulder downwards, as in the corresponding leg from the knee. The long-pointed shield which he bears

[1] Froissart's Chronicles (Lord Berners' translation), vol. i. pp. 30, 31.

[2] Hailes' Annals. vol. ii. p. 151 ; Fordun's Annalia, edition 1871, p. 353.

[3] Barbour's Bruce, p. 487. It is described as of "alabastre."

on his left arm is without armorial bearing, and much broken. The general style of the figure is rather rude, with the exception of the folds of the drapery of the surcoat, which, in many parts, are simple and well arranged. The armour is destitute of the slightest indication of chain work; and it is therefore probable that a different material was intended to be represented, or that the chain work was indicated by colours now obliterated. The feet rest against the mutilated remains of an animal, probably a lion. . . . The arch, under which the effigy is placed, appears to be of rather more modern date, is of elegant design, and excellent workmanship. The shield under the canopy of the arch contains the heart, an addition to the armorial bearings of the family, granted in consequence of his mission to the Holy Land, but the three mullets (stars) are now completely obliterated."

Blore also points out that though the style of architecture of this monument is anterior to the time of the Good Sir James, it was so only in England, as in Scotland the progress of art rather followed than kept pace with their wealthier neighbour. The English, while in possession of Douglasdale during the wars of independence, were so enraged at the Douglases, that it is improbable they would permit the monuments of the family, if any then existed, to remain. These circumstances, and the fact that the size and proportions of the effigy agree with the recorded descriptions of Sir James's person, point to the conclusion that the monument is his. The injuries sustained by it and the other monuments were, according to local tradition, the work of Cromwell's soldiers during his siege of the castle in 1651.[1]

"This noble James," says Fordun, in taking his leave of this redoubtable warrior, "was in his day a brave hammerer of the English, and the Lord bestowed so much grace upon him in his life that he everywhere triumphed over the English."[2] Bower gives a curious alliterative acrostic in Latin upon Sir James, which he attributes to the pen of the Archdeacon of Aberdeen,

[1] Blore's Monumental Remains, No. 5.

[2] Fordun, à Goodall, vol. ii. p. 301.

who recorded so many of the brave deeds of the Douglas in his book of the Bruce. He also gives other Latin verses, which are apparently his own.[1] Godscroft, too, produces a Latin stanza on the death of the Good Sir James, the author of which he appears not to know, while he also quotes the following popular rhyme long current in Scotland, and which preserved among his countrymen the memory of their illustrious benefactor, even amongst those who had not seen him—

> "Good Sir James Douglas, who wise, and wicht, and worthy was,
> Was never overglad for no winning, nor yet over sad for no tineing,
> Good fortune and evil chance, he weighed both in one balance."[2]

Glowing panegyric on a career which closed in so chivalric a manner is altogether unnecessary. The history of Douglas bespeaks his valour and his virtue. He aspired to no higher honour than the love and esteem of his sovereign, though none of Bruce's doughty chieftains more deserved great honours, whether from devotedness or length of service. Edward Bruce obtained the earldom of Carrick, and Randolph the rich earldom of Moray, but Douglas bore no personal titles save those which indicated inheritance of his own paternal lordship, and the simple knighthood conferred upon him in presence of the whole Scottish army, arrayed at Bannockburn. The title of the "Good Sir James," so universally applied to the subject of this memoir, may be considered his highest honour.

Among other tokens of love and esteem for his noble subject, there is generally reported to have been a sword, believed to have been given by Bruce on his deathbed to Sir James. The sword, which is about three feet long and an inch and a half broad at the hilt, and was probably not a weapon used in warfare, but a sword of State, still exists among the heirlooms of Douglas Castle. On one side of the blade is the engraving of a heart, to

[1] Fordun, à Goodall, vol. ii. pp. 301, 302.

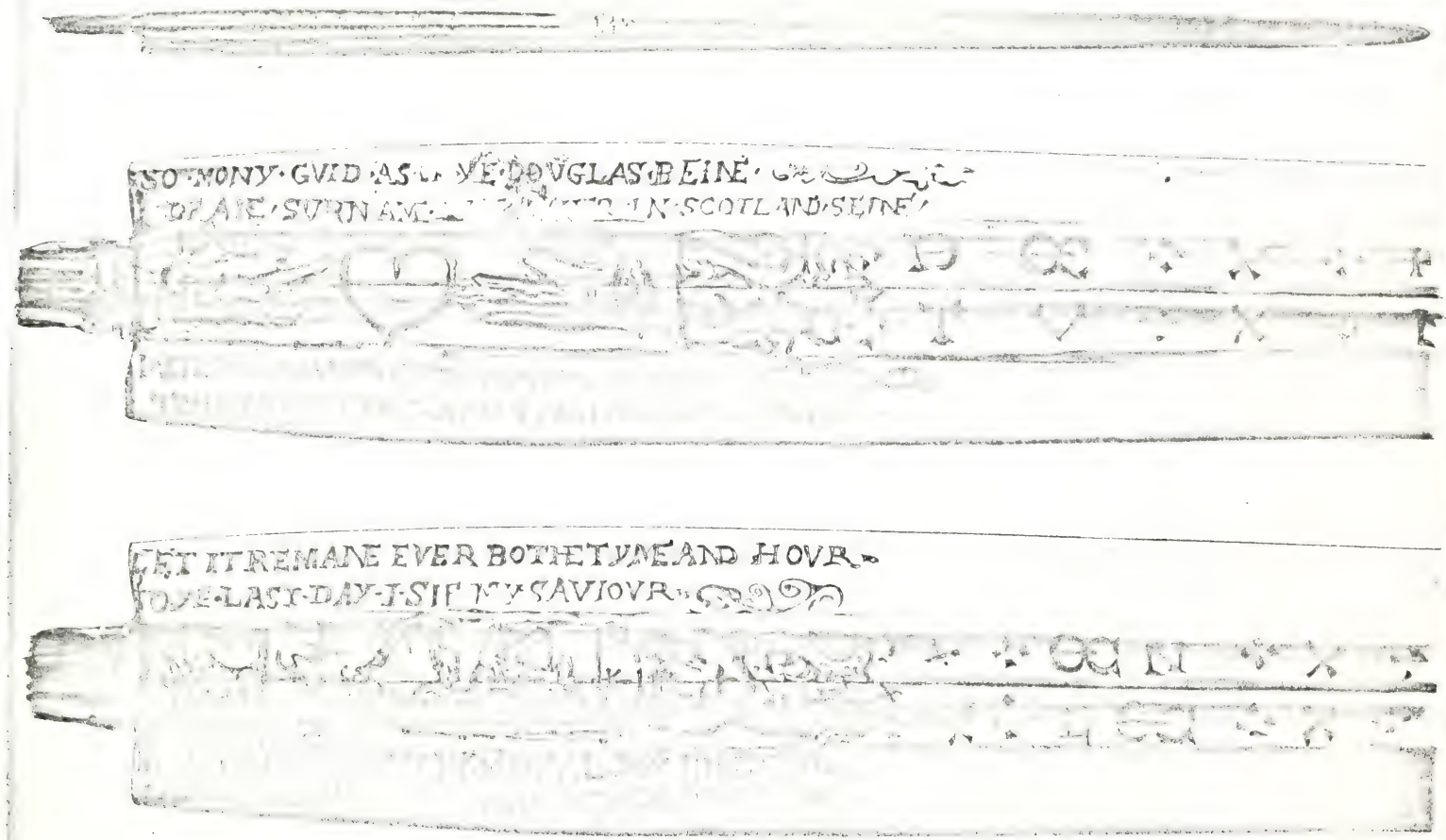
[2] History of the Houses of Douglas and Angus, 1644, p. 52.

which two hands point, over the one hand being the letters K. R. B., and over the other the letters I. L. D. On the other side of the blade are depicted within a shield the royal arms of Scotland, the lion rampant within the double tressure. The shield is surmounted by a crown. The following legend is also inscribed on the two sides of the weapon:—

> "So mony gvid as of the Dovglas beine,
> Of ane svrname, wer never in Scotland seine.
>
> I wil ye charge, efter that I depart,
> To Holy gravfe, and thair bvry my hart:
>
> Let it remane ever, bothe tyme and hovr,
> To the last day I sie my Saviovr.
>
> So I protest in tyme of al my ringe,
> Ye lyk subiectis had never ony keing."

This relic was nearly lost to the family on the occasion of the rebellion of 1745, as in their retreat from Preston the followers of Prince Charles Edward took up their quarters for a time in Douglas Castle, and carried the sword away with them when they left. Only after some troublesome negotiations with the rebel leaders, was the sword recovered and replaced in the castle by the Duke of Douglas.

In all previous memoirs of Sir James Douglas it has been assumed that he died unmarried, and without leaving lawful issue. Although the name of his wife has not been ascertained, yet it appears that he was married, as he left a son, William, who succeeded him as Lord of Douglas, as shown in the following memoir. He had also a natural son, Archibald, surnamed the Grim, who became Lord of Galloway, and afterwards succeeded as third Earl of Douglas, on the death of his cousin, James, the second Earl. Of him also a memoir is given in its proper place.



SWORD GIVEN BY KING ROBERT THE BRUCE TO SIR JAMES DOUGLAS.

VI.—1. WILLIAM OF DOUGLAS, LORD OF DOUGLAS,

SON OF THE GOOD SIR JAMES.

1330—1333.

SIR JAMES DOUGLAS was succeeded in his possessions, and in the territorial designation of Lord of Douglas, by a son William, whose existence has hitherto been overlooked by all historians. Even where the evidence regarding him has been noticed by authors or editors, it has been treated by them as erroneous, or applied to some other member of the Douglas family. This may be accounted for partly by the brevity of his career, and partly by the evidence which exists regarding him being limited. But that evidence, though scanty, is quite conclusive of the fact that William Douglas inherited as Lord of Douglas in succession to his father, the Good Sir James.

The earliest proof of that succession is furnished by the following entries in the Exchequer account of Reginald More, chamberlain of Scotland, for the period between 14th March and 14th December 1331:—

"Et de ix^{c}xxxiij ℔ vj^{s} viij^{d} receptis de Willelmo domino de Duglas, ex mutuo. Et de iiij^{c} ℔ receptis de nunciis domini Pape ex mutuo, in defectum sexcentarum marcarum debitarum per dominum de Duglas, per finem factum pro ingressu terrarum suarum."[1]

[1] Original MS. Roll, No. XXI., in H.M. General Register House, Edinburgh. The portion of the roll in which these entries occur has been several times printed—(1) by Mr. John Davidson, W.S., in the year 1771; reprinted by Lord Hailes [Annals, vol. iii. p. 362]; (2) by Mr. Thomas Thomson [Chamberlain Rolls, vol. i. p. 226], in each case

i.e. [He burdens himself] with £933, 6s. 8d. received from William, Lord of Douglas, upon loan; and with £400, received from the Pope's nuncios upon loan in default of six hundred merks (£400) due by the Lord of Douglas as a fine imposed for entry to his lands.

These money transactions apparently imply that William Douglas lent to the Government a sum of £933, 6s. 8d., and then borrowed from the Pope's nuncios, or permitted the Chamberlain to borrow on his behalf, the sum of £400, which was the amount of the fine due to the Crown as superior. In any case, the proof is clear that William was Lord of Douglas.

The evidence as to William Douglas, Lord of Douglas, seems to have been unknown to Godscroft. He stated that Sir James Douglas had two natural sons, William and Archibald, and that William was the famous Knight of Liddesdale, otherwise called the "Flower of Chivalry."[1] In that assertion he has been followed by more recent writers, including Tytler,[2] and even Mr. Cosmo Innes.[3] Mr. Riddell, in one of his works, combats the statement of Mr. Innes, and shows that the Knight of Liddesdale was the lawful son of Sir James Douglas of Lothian,[4] a statement abundantly proved at a later date by the Charter muniments of the House of Morton.[5] But Mr. Riddell did not in that work, or in any of his other works in which he treats of the Douglas family, show that Sir James had a son named William who succeeded him as Lord of Douglas.

If the evidence quoted from the Exchequer Rolls stood alone, there might have been hesitation in giving full weight to it, after the long-continued belief that Hugh Douglas was the immediate successor of his brother, Sir James. But from other and wholly independent sources there is undoubted evidence

without comment; and (3) by Mr. Burnett [Exchequer Rolls, vol. i. p. 396], who expresses an opinion that the name of William, as given in the roll, is erroneous, and that it should be Hugh. [*Ibid.* Preface, p. cxi, note; Index, p. 656.]

[1] Houses of Douglas and Angus, ed. 1644, p. 52. [2] History of Scotland, vol. i. p. 383.

[3] Registrum Episcopatus Glasguensis, vol. i. p. xxxviii. [4] Stewartiana, pp. 83, 84.

[5] Registrum Honoris de Morton, 2 vols., Bannatyne Club.

regarding William, Lord of Douglas, and that he was in possession of the estates which belonged to his father, Sir James. The latter, during the wars with England, had received from the monks of Coldingham a grant of the lands of Swinton, in Berwickshire, and after his death a question arose between the monks and his heirs as to these lands. The monks took their complaint to the Court of King David the Second, and, their testimony being important, they may here be allowed to tell their own story in a translation of their letter from the original Norman French:—

To the most honourable Prince and their liege lord, David, by the grace of God, King of Scotland, to his good Council, their devoted chaplains, Adam, prior of Coldingham, and the convent of the same place, show that William, Lord of Douglas, and Archibald, his uncle, wrongfully against God and the law of holy church, detain from them their town of Swynton, which was granted to the honourable man Sir James, lately Lord of Douglas, for his counsel, and to have his aid in time of war, by a simple monk who had no power to grant the said town in that manner against the interests of the house of Coldingham. And before the departure of the said Lord of Douglas from the kingdom of Scotland, they were in sure hope of recovering their said town, because it was so granted to him against the welfare of their house, by a person who had no power. And since the said lord was commended to God, they have, with great labour and expense in several places, made suit to the executors of the said lord to obtain their favour; in which executors the ordering and administration remains by the law of holy church, as also of his other moveable goods; and of their compassion, so far as lies in their power, they have graciously granted their petition. But by the will and force of William, Lord of Douglas, and Archibald, his uncle, they are wrongfully disturbed in their said town, to their loss, valued at two hundred pounds. Wherefore the said prior and convent pray, for God and the soul of their much honoured lord Sir Robert, late King of Scotland, whom God assoil, seeing that the house of Coldingham was founded by the alms of the Kings of Scotland, your ancestors, and the town of Swynton is the chief part of its sustenance, that you may be pleased to ordain a remedy, pleasing to God and holy church, for this wrongful violence.[1]

[1] Letter to the King of Scotland by the Prior of Coldingham respecting the town of Swynton, wrongfully detained. [Faustina, A. vi. fol. 51.] Printed in Priory of Coldingham, Surtees Society, pp. 21, 22.

This important document is conclusive evidence of the successor of Sir James. It would also appear that William, Lord of Douglas, was in some way under the tutelage or guidance of his uncle, Sir Archibald Douglas, who shortly afterwards was made Regent of Scotland.[1]

The next reference to William Douglas, the young Lord of Douglas, is in the narrative of the fatal field of Halidon Hill, whither he followed his uncle, the Regent. He was, however, not among his uncle's immediate attendants, but was in the division commanded by the young Steward of Scotland, who also, like the youthful Douglas, had been taken to that campaign to win his spurs. As is well known, the Scots were defeated, and left many of their nobles and knights either dead on the field, or captive in the hands of the English. The Regent was taken, mortally wounded, and his nephew, William, Lord of Douglas, was slain.

Knyghton, the historian, distinctly states that the son of James Douglas of that Ilk, "Willielmus Douglas filius Iacobi ejus[dem]," was present at the battle.[2] Lord Hailes, ignorant of the existence of William Douglas as a son of Sir James, suggests a correction. "Rather Archibald," he says, "the natural son of the renowned Sir James Douglas."[3] But there is corroborative evidence that Knyghton was accurate in his statement regarding the son of Sir James Douglas. Sir Thomas Grey, the author of the Scalacronica, who wrote before Knyghton, and almost contemporaneously with the events he records, enumerates in his list of the slain at Halidon, among "many barons, knights, and commons," "the Lord of Douglas, son of James of Douglas, who was slain by the Saracens on the frontiers of Granada, during that pious journey

[1] On September 18, 1330, an action was raised at the instance of the parson of Angram or Ingram Church, Northumberland, against Archibald Douglas, regarding common pasture in Fawdon [Patent, 4 Edward III. p. 1, m. 8, Public Record Office]. This was probably Sir Archibald, who, acting for his nephew William, intromitted with the lands of Fawdon, which had been restored to Sir James Douglas in 1329.

[2] Knyghton, *apud* Twysden, p. 2564.

[3] Hailes' Annals, vol. iii. p. 90.

taken with the heart of his king, Robert the Bruce, at his dying request." [1] This is conclusive on the point that Sir James Douglas had a son, William, who fell at Halidon. Any discrepancy between Knyghton, who says the young Lord of Douglas was taken prisoner, and the statement that he was slain, may be reconciled by supposing that the young man, like his uncle, the Regent, was mortally wounded, and expired in the hands of his captors.

This evidence also proves that the young Lord of Douglas and his namesake, William Douglas, afterwards Knight of Liddesdale, were two distinct persons. The former died on or immediately after the field of Halidon; the latter was at that time a close prisoner in the castle of Carlisle from which he was not released till some time afterwards.[2] The whole evidence adduced from the Scottish Exchequer Rolls and the Records of Coldingham, as well as from the contemporary English chroniclers above quoted, leaves no doubt that the Good Sir James left a legitimate son, William, who succeeded his father as Lord of Douglas, but whose career was cut short at Halidon, on 19th July 1333.

At the time of his death, William, Lord of Douglas, was apparently under age, and probably unmarried. He was succeeded in the Douglas estates by his uncle Hugh, who became Lord of Douglas. It would appear that the feudal investiture of William, as heir to Sir James, was never formally completed, as in the entail of the Douglas lands executed in 1342, Hugh, Lord of Douglas, is described as heir of his late brother, Sir James. He must therefore have made up his title to his brother, Sir James, as the last vassal of the Crown infeft in the lands, passing over his nephew William, whose title was incomplete, although the money payment exigible on his succession, or part of it, seems to have been accounted for to the Crown.

A small brass seal-stamp of William, Lord of Douglas, was, according to

[1] Scalacronica, p. 163.

[2] Fordun, à Goodall, vol. ii. p. 310; Chronicon de Lanercost, pp. 273, 278.

local tradition, found in the year 1788 under the east end of the church of North Berwick, near the ruins of the Douglas family burial vault there. The vault was destroyed by a violent storm in 1774, and several stone coffins were thrown down.[1] The seal is of tasteful design, displaying a shield on which is a fess surmounted by the three mullets in chief, and a man's heart in base. The shield is surrounded by tracery work, and the legend—

SIGILLVM · WILLELMI · DNI · DE · DOUGLAS.

That seal may have been made for and used by the subject of this memoir, although it has generally been assigned to the first Earl of Douglas previous to his creation as Earl. Its style is that of the earlier half of the fourteenth century, and the workmanship is said to show care and skill. The first Earl had at least four armorial seals, which are well known. They all differ from this seal of William, Lord of Douglas, as it alone has the fess, without the chief which is found in all the others.

If this seal be that of William, Lord of Douglas, the son and successor of Sir James, it shows that the heart was introduced into the armorial bearings of the Douglas family immediately after the death of the Good Sir James.

[1] Carte de North Berwic, Preface, p. xxxvi. Laing's Scottish Seals, vol. i. p. 46, No. 249. An engraving of the seal is annexed, made from the original in the possession of Sir Hew Dalrymple, Baronet, of North Berwick.





V.—2. HUGH DOUGLAS, LORD OF DOUGLAS,

BROTHER OF THE GOOD SIR JAMES.

1333—1342.

THE retired life led by Hugh, Lord of Douglas, and his obscurity in history as compared with the brilliant careers and stirring lives of his two brothers, Sir James and Sir Archibald, have led to the belief that he laboured under some mental or bodily infirmity. Godscroft, who is usually voluble in praise of his heroes, only says regarding this member of the family, that nothing is found of his actions "worthie of memorie. . . . He was neyther proper for employments, nor actually alsoe medled he himself with publicke affaires or matters of State, either in peace or warre."[1] But there is evidence to show that this character was undeserved, and that the statement of Godscroft was made in ignorance of the real position of Hugh Douglas, who lived a life of peace, and took no active part in public affairs, not from incapacity, either bodily or mental, but because, as a Churchman, he was debarred from those military pursuits in which his brothers excelled.

Hugh, Lord of Douglas, was the elder of two sons of Sir William Douglas "Le Hardi," by his second wife, Eleanor Ferrers, and was born in England

[1] MS. History at Hamilton Palace. Founding on a surmise by Godscroft as to the "dulnesse of mind" of Hugh Douglas, William, first Marquis of Douglas, inserted in the margin of the MS. the epithet, "The Dull Douglas." The Marquis was misled by Godscroft's statement, and both were ignorant of the real position of Hugh Douglas, whose memory is only now vindicated from the imputation of imbecility.

in the year 1291. This appears from a return by the Sheriff of Essex and Hertford shortly after April 1296, who was employed to value the manors of Stebbing and others in these counties belonging to Sir William Douglas, and to confiscate them to the English king. Besides the goods seized, the Sheriff made a more interesting capture, which he describes as a son of William Douglas of Scotland, named Hugh, nearly two years old. This boy had been left in the custody of John le Parker at Stebbing, and as he had been born in England, the Sheriff arrested or detained him in safe keeping until he should receive further instructions.[1]

For a period of many years from this point nothing has been discovered regarding the life of Hugh Douglas. How long he was detained in England does not appear, but the next reference to him shows that he had been educated for the Church, had embraced that calling, and was a Canon of the Cathedral Church of Glasgow. The first evidence of his acting in that capacity was an important meeting of the chapter of the diocese of Glasgow, held on 16th May 1325, when he would be about thirty-one years of age. The ritual and constitution of the Cathedral of Sarum (or Salisbury) had been adopted as the constitution of the Cathedral of Glasgow so early as the year 1258, with the saving clause, "unless it shall be found injurious" to the Canons. The disturbed state of Scotland during the wars of independence, and for many years after Bannockburn, had doubtless affected the Church, and prevented full adherence to the constitution. In 1322, however, a peace was concluded with England which lasted for a few years, and gave repose to both countries for some time. This interval of rest was chosen by the Canons of Glasgow to renew their obligation to the statutes of the Church of Salisbury, which, they say, "have been granted and observed in our Church of Glasgow from a time of which no memory exists." On this occasion no

[1] Sheriff's Accounts, Public Record Office, London. Cf. Stevenson's Historical Documents, vol. ii. pp. 43, 44.

reservation was made as to acceptance, but the Canons bound themselves to keep the statutes inviolable. Hugh of Douglas was not personally present at this important meeting, but a brother Canon, Richard, called Small, afterwards Dean of Glasgow, acted as his procurator.[1]

What prebend Hugh of Douglas held at this time as a Canon of the Church of Glasgow, is not apparent. At a later date he held the rectory or prebend of Old Roxburgh, which was one of those that gave its occupant a right to a stall in the church and a seat in the chapter. If Old Roxburgh, or some other prebend of Glasgow, was held by Hugh Douglas at this time, we may think of him as quietly fulfilling his duties of parish priest, with an occasional visit to Glasgow as his post in the cathedral required. Such at least might be his lot during the reign of King Robert Bruce and the lives of his brother Sir James, and the Regent Randolph. But it is probable that this peaceful career was interrupted by the turbulent times which followed the deaths of these three great leaders, and the disasters which befell Scotland at the battles of Dupplin and Halidon Hill. Hugh Douglas survived both his brothers and also his nephew, William Douglas, the son of Sir James, who, as related in the previous memoir, was slain at Halidon. As Hugh thus became heir to the Douglas estates, a slight sketch of their fortunes during the next few years may here be given.

The reverses sustained by the Scottish arms left a large portion of the south of Scotland at the mercy of the English, and of Edward Baliol, the nominal king of Scotland. Immediately after the battle of Halidon in 1333, Baliol, having assumed the crown of Scotland, made over to the English king the forests of Jedburgh, Selkirk, and Ettrick, with the counties of Roxburgh, Peebles, Dumfries, Linlithgow, Edinburgh, and Haddington, to remain for ever as appanages of the English crown.[2] In these districts lay most of the lands which Sir James Douglas had received from his grateful sovereign in recogni-

[1] Registrum Glasguense, vol. i. pp. 234, 235.

[2] Rymer's Fœdera, vol. ii. pp. 888-890.

tion of his patriotism and valour. Nor did Douglasdale escape. Lord Clifford, grandson of Sir Robert Clifford who held the Douglas lands in the reign of King Edward the First, having received and sheltered Baliol when chased from Scotland by Sir Archibald Douglas and others in the winter of 1332, obtained the lands in grant again from the fugitive monarch, "if God should give him prosperous times, and restore him to his kingdom."[1] There is no evidence, however, that this grant was ever made good by possession. Four years later, when, in the end of 1336, Edward the Third of England lay at Bothwell to receive the inhabitants of the western counties to his peace, the Douglas retainers were still faithful to their allegiance. On this account, Lord Stafford, in passing through Douglasdale with reinforcements for the English army, laid the valley waste, and carried off a large spoil. Sir William Douglas, afterwards known as the Knight of Liddesdale, was lurking in the neighbourhood, pursuing the mode of warfare so successfully employed by the Good Sir James, and wrought considerable damage to the English.[2] The destruction of their homes, however, did not shake the loyalty of the Douglas men, and they only escaped another similar visitation at the hands of Sir Anthony Lucy in the autumn of the following year by heavy rains and floods, which compelled him to desist from further advance after a most destructive raid made by him throughout the district of Galloway.[3]

The lands, castle, and forest of Jedburgh, with the forests of Ettrick and Selkirk, were placed in the hands of English keepers, while the lands in neighbouring counties were similarly dealt with.[4] Buittle, in Galloway, was at first seized by Edward himself, but afterwards restored to Baliol as his ancestral possession.[5] The castle, town, and forest of Jedburgh were ultimately bestowed upon Henry Percy by Edward in exchange for Annan-

[1] Chronicon de Lanercost, p. 271.

[2] *Ibid.* pp. 287, 288.

[3] *Ibid.* pp. 291, 292.

[4] Rymer's Fœdera, vol. ii. p. 889, 890.

[5] *Ibid.*

dale and the castle of Lochmaben, which Percy had received in grant from Baliol.[1] Gifts, however, were not equivalent to possession, and it was easier to obtain the former than to secure the latter. Sir William Douglas and others, says Froissart, secreted themselves for seven years in this very forest of Jedburgh, making it, as well in winter as in summer, their headquarters, whence they sallied forth to "war against all the towns and fortresses wherein King Edward had placed any garrison, in which many perilous and gallant adventures befell them, and from which they had acquired much honour and renown."[2] The possession was therefore of comparatively little value to the English, as the patriotic Scots steadfastly refused to recognise a change of ownership.

During this period of confusion the English king bestowed various Scottish benefices on his favourites, among which was the prebend of Old Roxburgh, with the canon's stall pertaining to it. These, in 1337, were bestowed on Andrew Ormiston.[3] If Hugh Douglas had formerly held this rectory, he must have been dispossessed; but except the probability that he was so treated, nothing has been discovered as to his movements up to the time when, by the death of his nephew, he succeeded to the Douglas estates. That he did so succeed is proved by later events, for after the return of King David the Second from France to Scotland in 1341, an arrangement seems to have been come to by which Hugh Douglas served himself heir to his brother Sir James, who had died last infeft in the Douglas lands.

While thus in possession of the Douglas territory, Hugh Douglas made several grants to William Douglas of Lothian, evidently as a reward for his vigour in defending Douglasdale, and especially Jedburgh Forest, from the English. The first of these grants included the half of the barony of

[1] Rotuli Scotiæ, vol. i. p. 280. [2] Froissart, Johnes' ed., vol. i. p. 77.
[3] Rotuli Scotiæ, vol. i. p. 516.

Westerkirk, with the exception of the manor place and demesne lands of the same, which were reserved to the granter and his heirs. Apparently at the same time Lord Hugh granted to Sir William Douglas the barony of Stabilgorton, reserving only the castle and the cotlaw. By a third charter, Sir William Douglas received the whole land of Polbothy (now Polmoody). Some of the witnesses to this charter are identical with the witnesses to the two former, from which it may be inferred that all three were granted about the same time, and before the 16th of February 1341-2.[1]

On this last-mentioned date Sir William Douglas of Lothian received from King David the Second, under conditions afterwards narrated in the memoir of the first Earl, a charter of the lordship of Liddesdale, whence he derived the title "Lord of Liddesdale," or the "Knight of Liddesdale," by which name he is best known in history, and which, in his own day, distinguished him from other members of the illustrious Douglas family.[2] It was as Lord of Liddesdale that Sir William Douglas obtained a fourth charter from his kinsman and chief, Hugh, Lord of Douglas, of certain lands lying in the town and territory of Merton, forfeited by Richard Knowte, in the superior's hands.[3] This charter, in which Hugh assumes the baronial title, must have been granted between the 16th February 1341-2, when William Douglas became Lord of Liddesdale, and before the 26th of May 1342, at which date Hugh, Lord of Douglas, made a formal resignation of the Douglas possessions.

Besides these minor grants, Hugh, Lord of Douglas, made a formal resignation of the Douglas estates in favour of certain heirs of entail. In carrying out this latest transaction he appeared personally before King David the Second, and many prelates of the realm, at Aberdeen, on 26th May 1342, and then and there, as brother and heir of the late Sir James, Lord of Douglas, formally

[1] Registrum Honoris de Morton, vol. ii. pp. 89-92.
[2] *Ibid.* pp. 47, 48. [3] *Ibid.* pp. 92, 93.

resigned the lands of Douglasdale, Carmichael, Forest of Selkirk, Lauderdale, Bethocrule, Eskdale, Stabilgorton, Buittle in Galloway, Romanno, and the farm of Rutherglen, all as held of the Crown. This was done for the purpose of entailing them to the next heirs, who are named in the charter of regrant by the same king, given three days afterwards at Dundee, first, William of Douglas, son and heir of the late Archibald of Douglas, knight, brother of the said deceased James, and his lawful heirs-male; failing whom, the succession opened by a special royal grant to Sir William Douglas of Liddesdale, and his lawful heirs-male, whose services to the Crown and kingdom the king acknowledged as being numerous and beneficial; and, failing them, to Archibald Douglas, son of the said deceased James, Lord of Douglas, and his heirs-male. These all failing, the lands were to revert to the true and nearest heirs of Lord Hugh by right of succession.[1]

Hugh, Lord of Douglas, about this time obtained or resumed possession of the prebend of Old Roxburgh, and held it at least for some years. It had been granted by King Edward the Third, in 1337, to Andrew of Ormiston,[2] but the expulsion of the English from Roxburgh Castle and its neighbourhood, in 1341, left the prebend again vacant. If alive at the time of the battle of Durham in 1346, Lord Hugh must by that event have been dispossessed in turn, as his prebend was presented by King Edward the Third, in or before 1347, to Richard Swynhop. The royal mandate instructs William de Kelleseye, chancellor and chamberlain of Berwick-on-Tweed, to see that peaceful possession of "the prebend of Old Roxburgh, which Hugh de Douglas, clerk, lately held in the cathedral church of Glasgow, now vacant and in our gift," with its fruits and profits, was secured to Richard Swynhop.[3] The prebend was afterwards, in 1352, assigned by the same authority to

[1] Vol. iii. of this work. The original charter is lost, but a transumpt made in 1391, at the instance of the last-named heir of entail, Archibald, third Earl of Douglas, is still preserved. [2] Rotuli Scotiæ, vol. i. p. 516.

[3] *Ibid.* p. 709.

William de Emeldon, when its previous possession by Hugh Lord of Douglas is again adverted to by the King of England, who adds that it is now vacant and in his gift by reason of the temporalities of the Bishop of Glasgow coming into his hands through the war with Scotland.[1]

Hugh, Lord of Douglas, was apparently still alive in 1347, perhaps later, but little further has been ascertained regarding him. Besides the charters referred to, he left an enduring memorial of his short enjoyment of the Douglas estates in the foundation of a chapel in honour of St. John the Baptist, at Crookboat of Douglas, the junction of the Douglas with the Clyde. He endowed the chapel with a piece of land of the value of two merks of old extent, between Hoilgutter on the east and West Burn on the west, the other boundaries being the Douglas river and the highway, with pasturage for four horses on the hill of Drumalbin, and certain fees which were wont to be paid as farms from Drumalbin. The fee from the ferry also was granted to the chaplain, provision being made for keeping the boat in repair. The neighbouring lands and tenants supplied meal, thus: Weirland, half a boll; the castle, a boll; the rector, a boll and a stone of cheese; the two mills, one boll; the Prior of Lesmahagow, according to custom, a boll of meal and a stone of cheese; while every house in the muirland of Douglas was to furnish the best cheese, which, however, could be commuted for two pennies, if the chaplain or his servant refused the cheese. If any one unbecomingly declined to pay the fee, the boatman, as the servant of the Lord, was to seize anything he pleased, until he was fully satisfied. Such was the endowment of this chaplainry, as ascertained by an inquest held among the inhabitants of the district in 1550, on the occasion of the appointment by Archibald, sixth Earl of Angus, of his chaplain, Sir William Bell, vicar of Pettinain, to the vacant benefice.[2]

The seal used by Lord Hugh in the grants of lands made by him is still

[1] Rotuli Scotiæ, vol. i. p. 749.

[2] Vol. iii. of this work, pp. 242-244.

attached to the charter of Westerkirk among the Morton muniments. It has been described in the Catalogue of Scottish Seals, by Mr. Henry Laing, as representing "a knight on horseback, bearing a shield, on which there can still be seen the Douglas heart;" but this is erroneous. The seal, of which a facsimile is here given, is somewhat broken, but really represents a unicorn, bearing on its back a shield, the upper part of which is gone, but showing a heart in base. This is an early instance of the unicorn being adopted in connection with heraldry. The background of the seal is semé of mullets, arranged in groups of three. It is surrounded by the legend

[S. HUGONI]S DE DOWGLAS CANONIC · ·

The legend, also, is erroneously printed by Laing as "S. Hugonis Dowglas canno mora."



By virtue of the resignation made by this Hugh Douglas, and the regrant by King David the Second following thereon, William Douglas, son of Sir Archibald Douglas the Regent, succeeded to the territorial estates and title of the Lord of Douglas. But before proceeding with his memoir, the services of his father, and the eminent position in the State which he attained, demand a special notice.

V.—3. SIR ARCHIBALD OF DOUGLAS, KNIGHT, REGENT OF SCOTLAND.

BEATRICE LINDSAY (OF CRAWFORD), HIS WIFE.

1296—1333.

THIS Sir Archibald Douglas was the youngest brother of the Good Sir James, and the father of the first Earl of Douglas. The earliest mention of him is in charters by King Robert Bruce of the lands of Morebattle in Roxburghshire, and Kirkandrews in Dumfriesshire, granted to him probably after the year 1320, as part of the lands are said to have been forfeited by Sir John Soulis.[1] Some genealogists make Archibald Douglas the youngest son of the first marriage of his father, William Douglas "le Hardi." He must, however, have been a son of the second marriage with Eleanor of Lovaine, who was carried off from her friends in Midlothian. Indeed, it is expressly stated by Hume of Godscroft that Archibald was the son of that lady, and though he gives no proof, yet, as Hugh Douglas was the son of the second marriage, and succeeded to the Douglas estates in preference to William, the son of Archibald, the latter must have been younger than Hugh. An additional reason for believing that Archibald was the son of Eleanor of Lovaine may be found in the fact that his own daughter's name was Eleanor, a name formerly unknown in the Douglas family, and no doubt inherited from her grandmother.

Archibald Douglas would therefore be born about the year 1296, and

[1] Robertson's Index, pp. 11, 12, 20.

was thus an infant at his father's death in 1298. Nothing is known of his education or early years. After 1320 he received the charters already referred to, and in 1324 King Robert the Bruce further granted to him the lands of Rattray, Creichmond or Crimond, Carnglass, and others in Buchan.[1] Besides these, he owned Liddesdale, the baronies of Cavers, Drumlanrig, Terregles, and Westcalder,[2] and a third part of the lordship of Conveth, in Aberdeenshire, the owners of the other two thirds being the Earl of Moray and Sir Walter Ogilvie.[3] He is called Lord of Galloway by Godscroft, an error which has been repeated by a modern historian, who gives a reference to Bower.[4] That writer, however, gives no ground for such a statement, and indeed expressly disproves it by naming, as Earl of Carrick and Lord of Galloway, Sir Alexander Bruce,[5] a natural son of Edward Bruce, the brother of King Robert, who inherited the lordship of Galloway, which had been granted to his father before 1308. Sir Alexander Bruce fell at Halidon Hill, along with Archibald Douglas, and the latter therefore could never have possessed the lordship of Galloway. That territory did not come into the hands of the Douglases until 18th September 1369, when King David the Second conferred it upon Archibald Douglas, called the Grim, who has been confounded by Godscroft with his uncle of the same name.

The public career of Archibald Douglas, so far as appears in the history of his time, was short, and not very successful. It is to him that Bower applies an epithet not flattering to his talents as a military leader, namely, Tyne-man, or Lose-man, indicating that he was rather rash in leading on his men than skilful in guiding their movements.[6] But it is doubtful if the

[1] Charter printed at length in Antiquities of Aberdeen and Banff, Spalding Club, vol. ii. p. 394. The lands of Crimond are erroneously described as Ormond in Douglas's Peerage, Wood's edition. Ormond was only acquired by the Douglas family through the heiress of Bothwell, many years later.

[2] Charter of 1354, vol. iii. of this work.

[3] Registrum Aberdonense, vol. i. p. 58.

[4] Tytler's History of Scotland, vol. i. p. 399.

[5] Fordun, à Goodall, vol. ii. p. 308.

[6] *Ibid.* p. 310.

epithet applies to this Archibald. It is frequently, and perhaps with more reason, applied to Archibald the fourth Earl. This Archibald, however, displayed a rashness or impetuosity unfitting him for high commands, which may be one reason why he is never named by Scottish historians as conducting any independent exploit during his brother's lifetime, though an English writer records that while Sir James Douglas and Randolph executed their brilliant foray into England in 1327, Archibald Douglas, with a band of foragers, made a raid on the bishopric of Northumberland, and took great booty, defeating at the same time a company of Englishmen whom he encountered near Darlington.[1] But in the troublous times which followed immediately on the death of King Robert the Bruce, Archibald Douglas was made Regent, yet not so much from his own merits, as because of special circumstances.

After Bruce's death the government of the kingdom of Scotland, and the charge of the young king, had been placed in the hands of Randolph, Earl of Moray, as Regent, but within a year after the coronation of King David the Second, he died suddenly at Musselburgh, on 19th July 1332. Sir James Douglas, who had left Scotland for the Holy Land, had already met his death in battle with the Moors in Spain. There was now no Scottish noble influential enough to overawe those barons, the Comyns and others of the English faction, who complained that they had been unjustly deprived of their estates in Scotland, and who therefore supported Edward Baliol in his designs upon that country.[2] The Estates, however, elected as Regent, Donald, Earl of Mar, and he took command of the army which had been gathered to oppose Edward Baliol. The latter, a few weeks after the death of Randolph, appeared with a fleet in the Firth of Forth, and landing at Kinghorn, marched to meet the forces of the Earl of Mar, which were encamped on Dupplin Moor, near Perth. As Edward Baliol had but a

[1] Scalacronica, p. 154.

[2] Fordun, à Goodall, vol. ii. p. 303.

small force compared with that arrayed against him, his apparent rashness can only be explained by the statement of Bower, that he had made a vow to attack Perth, and then be crowned at Scone; and that he expected assistance would be given to him by certain magnates of the kingdom.[1] In this last particular he was not mistaken, for partly owing to treachery and partly to carelessness on the part of the Regent, Baliol surprised the Scottish army early in the morning, and gained a complete victory. In the terrible rout and slaughter which followed the attack, the Regent himself perished, and with him many other nobles and barons. This sad event took place on 11th August 1332.

While the army of the Regent Mar was thus defeated at Dupplin Moor, another large body of Scots, numbering about 30,000, mustered from the south of Scotland, under the command of Patrick, Earl of March, was lying not far from Perth.[2] On receiving news of the defeat, the Earl moved his forces towards Perth, whither Baliol's army had gone after the battle. The Scottish historians record that instead of at once besieging the town, he halted his troops within sight of the defenders, which caused one of them, Sir Henry Beaumont, an English knight, to exclaim that there were friends in the Scottish army.[3] After a short delay the Earl of March withdrew his forces and raised the blockade, though a determined siege might have put an end to the war in favour of the Scots.

In narrating these events, the Scottish historians make no allusion to the position of Archibald Douglas, but English historians state that he was among the leaders under the Earl of March.[4]

An explanation of the raising of the blockade of Perth is found in the proceedings of Sir Eustace Maxwell, who had joined the party of Edward

[1] Fordun, à Goodall, vol. ii. p. 304. [2] *Ibid.*

[3] *Ibid.* p. 306; Wyntown, B. VIII. c. xxvi. l. 240.

[4] Hemingburgh, vol. ii. p. 305; Walsingham, 1574 edition, p. 113.

Baliol. At the head of a band of the men of Galloway, who acknowledged Baliol as their feudal lord, Sir Eustace made an attack upon the lands of the southern Scots, who formed the greater part of the force under the Earl of March, in order to compel the latter to raise the siege. This had the intended effect, for March and Archibald Douglas, with Sir Andrew Moray and John Randolph, now Earl of Moray, at once retired from Perth, invaded Galloway, burned the country, and carried off cattle and goods, "but killed few men because they found few men."[1]

In the interval caused by this diversion, Baliol had been crowned at Scone on 27th September 1332, and after fortifying Perth and placing it in charge of Duncan, Earl of Fife, he, without delay, passed southward through Cunningham to Irvine, where he received homage from a few who held lands in Ayrshire.[2] He then went to Galloway, where he was joined by some of the natives. From Galloway he passed by Crawford Moor towards Roxburgh, while Archibald Douglas and the newly appointed Regent, Sir Andrew Moray, hung upon his rear and harassed his march. Near Jedburgh Baliol's party was waylaid and attacked by an ambush under the command of Archibald Douglas, which, however, was discovered and routed, while Baliol reached Kelso in safety. In this skirmish, it is said, Robert of Lawder the younger was taken, with others.[3] Baliol, on reaching Roxburgh, quartered his followers in the town, but he himself for greater quiet took up his residence with the Abbot of Kelso. Here, according to all the English historians, he was attacked by the Regent, who was taken prisoner; but this event probably took place at a later period when Baliol was again at Roxburgh.[4]

Baliol, after a short sojourn at Roxburgh, departed thence with a small force, and progressed towards Annan, with the intention of abiding

[1] Chronicon de Lanercost, p. 269.

[2] Wyntown, B. VIII. c. xxvi. l. 315.

[3] Scalacronica, p. 161.

[4] Fordun, à Goodall, pp. 309, 310; Wyntown, B. VIII. c. xxvi. l. 394.

there until Christmas. This intention, however, was rudely interrupted. Archibald Douglas, who had so perseveringly dogged the steps of the new monarch, now lay at Moffat in company with John Randolph, Earl of Moray, and Sir Simon Fraser, at the head of a thousand picked men, "wycht men and hardy." These Scottish leaders, hearing from their spies of Baliol's imprudent march from the fortress of Roxburgh to the comparatively defenceless town of Annan, resolved on a surprise, which was boldly conceived and promptly executed. Marching overnight, the Scots arrived at Annan in the early morning, and finding the hapless Baliol and his followers in their beds, slew about a hundred of them. Baliol himself escaped, but in such haste that with one limb clothed and the other naked he threw himself on a bare-backed steed, and thus fled to Carlisle. His flight was assisted by the valiant resistance made by his brother, Sir Henry Baliol, who, with a stout staff, slew many of the attacking party, but was at last, with several other knights, overpowered and slain.[1]

Some English historians account for the success of this exploit by alleging that Edward Baliol had, on the faith of a truce negotiated by Archibald Douglas and the Earl of March to last till 2d February 1333, dismissed most of his followers to their own homes, and was then, while thus unprepared, attacked by the Scots.[2] This account, however, is inconsistent with the true order of events narrated by the English writers themselves, and as the statement regarding a truce is not made by those who had most accurate means of information, it may be rejected as erroneous, or as referring to a later period, after Douglas was made Regent. It is said to have been made after the capture of Sir Andrew Moray at Roxburgh, an event which is antedated by all the English historians. The chroniclers of Lanercost and Sir Thomas Grey, author of the Scalacronica, say nothing of any truce.

[1] Chronicon de Lanercost, p. 271 ; Fordun, à Goodall, vol. ii. p. 308.

[2] Chronicon de Hemingburgh, ed. 1849, vol. ii. p. 306 ; Walsingham, ed. 1574, p. 114.

Sir Thomas Grey, however, refers to negotiations with England, and his statement is supported by the fact that, on 26th October 1332, a safe-conduct was granted by King Edward the Third to certain ambassadors from the Regent of Scotland, then lately appointed, to come to England to treat of matters affecting the kingdoms.[1] Further, on 14th December 1332, only two days before the battle of Annan, the same monarch appointed two commissioners to treat with the Regent and magnates of Scotland,[2] a fact which discredits the date assigned to the capture of Moray, which the Scottish historians assign to a later date. They state that the party who attacked Baliol at Annan were detached for that service by the Regent himself, and that the latter was only taken in March or April of the following year, when Baliol lay at Roxburgh awaiting the King of England.[3]

These statements go far to disprove the charge of treachery made against Archibald Douglas and his associates, while the success of the surprise at Annan is further accounted for by a contemporary chronicler on very simple grounds. Baliol and his followers, it is said, were found asleep, as men too secure of their own safety, because of various former victories,[4] a statement which, coming from an English writer who says nothing of a truce, may be accepted as expressing the real facts.

Edward Baliol, after his flight from Annan, went to Carlisle, where he was well received by the Governor, Lord Dacre,[5] and was lodged in the monastery of the Franciscans. On the 9th March following, he, with some English nobles, again entered Scotland with fire and sword.[6] In retaliation Archibald Douglas, a fortnight afterwards, led a force of three thousand men into Northumberland, and laid waste the territory of Gilsland, burning and

[1] Rymer's Fœdera, vol. ii. p. 847.

[2] *Ibid.* p. 849.

[3] Wyntown, B. VIII. c. xxvi. l. 385; Fordun, à Goodall, vol. ii. pp. 308, 309.

[4] Chronicon de Lanercost, p. 271.

[5] H. Knyghton, 2562.

[6] *Ibid.*; Hemingburgh, vol. ii. p. 306.

ravaging for the distance of over thirty miles. He returned to Scotland, unopposed, bringing with him much booty and many captives.[1] A recent writer, having reference only to the fact that Gilsland belonged to Lord Dacre, alleges that this foray was made because of Lord Dacre's hospitality to Baliol,[2] but he has overlooked the fact that it was more probably in revenge for the latter's incursion into Scotland.

King Edward the Third by this time had resolved personally to lead another army into Scotland, and began the campaign by laying siege to the town of Berwick. There is considerable difficulty in fixing the true sequence of events immediately preceding that siege. Accepting the chronology of the Scottish historians as on the whole the more probable, Sir Andrew Moray fell into the hands of his captors about the end of March 1333. Edward Baliol re-entered Scotland on the 9th of that month. On the 21st, Archibald Douglas entered England, and on the same day King Edward the Third declared war and summoned his barons to meet him at Newcastle to march against the Scots.[3] The English king came to Durham on the 8th of April 1333, and there received in person the submission of Sir Andrew Moray, who, Wyntown and Bower agree in stating, refused to yield to any one, until he was brought into the presence of the English monarch.[4] The Regent was confined at Durham, which adds to the probability that he met Edward the Third at that place.

Sir Archibald Douglas, therefore, was appointed Regent of Scotland about the end of March or beginning of April 1333. The chroniclers of Lanercost state that he owed the high office conferred upon him to his share in the exploit at Annan. It is narrated that after the defeat of Baliol, and his expulsion from the kingdom, the Scots assembled, and because Sir Archibald

[1] Hemingburgh, vol. ii. p. 306.

[2] Tytler's History of Scotland, third edition, vol. i. p. 398.

[3] Fœdera, vol. ii. p. 855.

[4] Wyntown, B. VIII. c. xxvii. l. 10; Fordun, à Goodall, vol. ii. p. 310.

of Douglas had been the principal adviser in bringing about and following up the king's defeat, although the expulsion should be ascribed to the Earl of Moray as higher in rank and more powerful, they made Douglas Regent of Scotland.[1] It is also stated that before doing so, they treasonably took and imprisoned the Earl of Fife because he was faithful to Baliol. But the capture of Perth by the patriotic party and the imprisonment of the Earl of Fife took place about the 7th October 1332, and could have no relation whatever to the choice of a Regent. It is added that Sir Archibald Douglas released the Earl of Fife, and granted to him certain lands beyond the Firth of Forth.[2] There is no other evidence of this, but it is certain that the Earl was in the Scottish army with the Regent at the battle of Halidon Hill.

The circumstances which led to that battle, so disastrous to the Scots, may be briefly stated. King Edward the Third of England, though bound by the treaty of Northampton in 1328, and by the marriage of his sister Joanna to King David the Second, to preserve peace between Scotland and England, took advantage of the death of King Robert Bruce to disregard the conditions of the treaty. This he did in obedience to the promptings of his own ambition, as well as in accordance with the feelings of his people, to whom the treaty was highly distasteful. At first, however, the English king committed no overt violation of the treaty, although, by the countenance he showed to Baliol in permitting his barons to assist the latter, it is evident he hoped to force the Scots to take up arms, and thus to make them appear the transgressors.

The patriotic party in Scotland, however, though defending themselves against Baliol, and driving him from the kingdom, did nothing which could be construed into a breach of the truce with England. It cannot be doubted, therefore, that the English king was truly the first aggressor, when, after the parliament held at York in the beginning of 1333, he allowed some of the English barons there assembled openly to join with Baliol, and to invade

[1] Chronicon de Lanercost, pp. 271, 272. [2] *Ibid.*

Scotland with fire and sword, on 9th March 1333.[1] It is true that the Scots, in retaliation, entered Northumberland on the 21st of the same month, but Edward's summons to his barons to march against the Scots is also dated on that *same day*,[2] and therefore before he could know of the Scottish raid, so that his hostile intentions could not have arisen from this act of retaliation on the part of the Scots.

From this time Edward's preparations for war advanced rapidly. His first summons to his barons was dated at Pontefract, and he immediately began a progress northward towards Newcastle, which was appointed as a rendezvous on Trinity Sunday [30th May]. On 30th March the king issued a further summons, appointing the time of meeting as a month "at the latest" after Easter-day, which fell in that year on 4th April.[3] This would make the date of assembling about the first of May, and accordingly Edward himself reached Newcastle on the 22d of April, and advanced in person to Berwick on the 15th May at the head of the English force.[4] Baliol, however, had already begun the siege, and the town had been invested since the 23d of April.[5] On 20th May a rigorous blockade was begun, both kings being now with the army. The citizens were reduced to great straits, and agreed to capitulate if not relieved by a Scottish army by a certain date. Before the time expired, a large force headed by Sir Archibald Douglas, then Regent of Scotland, crossed the Tweed at Yare ford, and a detachment under Sir William Keith and others succeeded in gaining entrance to the town of Berwick.[6]

A Scottish historian says, that when the conditions of the agreement between the citizens of Berwick and the besiegers became known, the Regent,

[1] H. Knyghton, 2562; Chronicon de Lanercost, p. 272.

[2] Fœdera, vol. ii. p. 855.

[3] *Ibid.* p. 857.

[4] Rotuli Scotiæ, vol. i. p. 238.

[5] Hemingburgh, vol. ii. p. 307.

[6] Scalacronica, pp. 162, 163.

being warlike and of a high courage, immediately gathered the whole number of the Scots who favoured King David, to the number of sixty thousand warriors.[1] This army, after a halt of a day and a night, marched southward, burning and destroying the country. In the meantime the English king demanded the surrender of Berwick, the term of treaty having expired. This was refused, and finally a new condition was imposed, that the town should be at once given up unless, within fifteen days, the Scots should throw two hundred men into the place, or should gain a pitched battle in the field.[2] The inhabitants of Berwick, afraid for the lives of their children, who had been given as hostages, and acting under the impression that the Scottish army was superior to the English, sent messengers to the Scottish army imploring the Regent to risk a battle.[3] The Regent and the rest of the Scottish leaders unhappily consented, although to do so was directly in face of the dying instructions of Bruce, never to risk a battle when they could protract a war and lay waste the country.[4] Had such policy been followed on this occasion, the result, owing to elements of disintegration at work in the English army, might have been far otherwise than it was. It is probable that the English king, finding his army diminished by desertions, would have been compelled to raise the siege of Berwick, or to fight the Scots with a much inferior force. Desertions from his army were already taking place, and dissensions had arisen in London during his absence, while the men of the northern shires had objected to join his army.[5]

Yielding, however, to the representations of Sir William Keith, Sir Archibald Douglas led back his forces towards Berwick, crossed the Tweed, and encamped at Duns Park on the evening of the 18th July 1333.[6] The

[1] Fordun, à Goodall, vol. ii. p. 310.

[2] Scalacronica, p. 163.

[3] *Ibid.;* Fordun, à Goodall, vol. ii. p. 310.

[4] Verses called "Bruce's Testament" in Fordun, à Hearne, vol. iv. p. 1002.

[5] Rotuli Scotiæ, pp. 234, 235, 244.

[6] Fordun, à Goodall, vol. ii. p. 310.

English forces were drawn up on the slope of Halidon Hill, to the west of Berwick, and in full view of that town. The Scottish leaders arranged their troops on a rising ground facing the English position, from which they were separated by a marsh. In addition to this the Scots had a considerable descent and ascent to overcome ere they could meet their enemies at close quarters. The divisions of the Scottish army were four in number, the first under the command of the Earl of Moray, the second under the Steward of Scotland, the third led by the Regent in person, and the fourth commanded by Hugh, Earl of Ross. The position occupied by the English was unassailable by cavalry, and the Scottish nobles and knights therefore fought on foot.

Notwithstanding the great disadvantages offered to an attacking force by the marsh and other inequalities of the ground, the Scots rashly determined to reach their adversaries. To do this it was necessary to cross the morass, which could only be done slowly, and under exposure to the arrows of the English archers. These fell thickly and with deadly effect upon the advancing Scots, yet they did not waver. The fourth division, under the Earl of Ross, made a bold rush upon the wing of the English army commanded by Baliol, but was repulsed with loss. The main body of the Scots, weakened by their passage through the marsh, and breathless because of the ascent, still advanced with impetuosity, but were compelled to give way after great slaughter.[1] In illustration of the obstinate courage of the Scots, and also of the great carnage, an incident narrated by an English contemporary writer may be quoted. Among those taken prisoner was one who had that day been dubbed a knight, and he said that of two hundred and three knights newly made by the Scots before the battle, none had escaped death save himself and four others.[2] Seven Earls of Scotland, it is said, fell in this disastrous battle, and the Regent, Sir Archibald Douglas, as well as his young nephew and chief,

[1] Fordun, à Goodall, vol. ii. p. 311. [2] Chronicon de Lanercost, p. 274.

William of Douglas, were fatally wounded and captive. The same chronicler blames the Regent as the principal agent in leading the Scots army to such a fate,[1] and all the historians, both Scotch and English, who record the battle, join in reprehending the pride and obstinacy of the Scots in attempting to attack their adversaries in the face of so many and great disadvantages.

Sir Archibald Douglas having been raised to the Regency, must have been considered the fittest man for that important post. But in this case his natural impetuosity led him to yield only too readily to the representations made to him in the name of the citizens of Berwick, and to underrate his opponents, and the strength of their position.

The defeat at Halidon was a terrible blow to Scotland. Berwick fell immediately into the hands of the English king, and Baliol overran the whole kingdom with an army which found nothing to oppose it. The patriotic party, however, were not subdued. Following out their traditional tactics, they simply retired to the less accessible parts of the kingdom, or to the few castles which still held out for King David. From these they issued at the first opportunities afforded, gained battles on every hand, and a year or two after his victory at Halidon, Baliol was again a fugitive. The war went on with varying success until 1337, when, on engaging in war with France, the king of England was obliged to draw off his attention from Scotland. The evil results of the defeat at Halidon were therefore not so lasting as might have been feared, though for a time the prosperity of Scotland was wholly retarded.

Sir Archibald Douglas is said by the family historian, Godscroft, to have married Dornagilla Comyn, daughter of John Comyn who was slain by Bruce at Dumfries, and it is alleged that through her Douglas became Lord of Galloway. Sir Archibald Douglas never held the lordship of Galloway, and his wife was not Dornagilla Comyn, who indeed seems to be a personage

[1] Chronicon de Lanercost, p. 274.

wholly mythical. Sir Archibald Douglas married Beatrice Lindsay, daughter of Sir Alexander Lindsay of Crawford,[1] who survived her husband. During the troublous times which followed the battle of Halidon, the widow of the Regent, with several other ladies, took refuge in the fortress of Cumbernauld. In the summer of 1335, King Edward the Third and Baliol entered Scotland with a large army. They advanced to Perth without meeting an enemy, but one historian records that on their way north, on the Sunday after St. Magdalen's Day (23d July), John of Warrenne and Baliol laid siege to Cumbernauld. The castle was too strong to be taken, and the siege might have been abandoned but for an unfortunate fire within the castle, which compelled the defenders to surrender themselves with their goods. Among those who thus became prisoners were the widow of Sir Archibald Douglas, Sir David Marischal and his wife, and the wife of Sir Philip Mowbray.[2] The fate of the captives is not recorded, but Beatrice Lindsay afterwards married Sir Robert Erskine of Erskine, and became the ancestress of the Erskines, Earls of Mar.[3]

Sir Archibald Douglas and Beatrice Lindsay had three children, two sons and a daughter :—

1. John of Douglas, of whom the little that is known may be summed up in the words of Wyntown, who says that William, afterwards Earl of Douglas, had an elder brother John, who died beyond the sea.[4] John Douglas, with his mother, Beatrice, had a charter, dated between 1335 and 1338, from Duncan, Earl of Fife, of the lands of West Calder, to Dame Beatrice of Douglas in liferent, and to John, her son and heir, in fee.[5] Wyntown's statement that this John

[1] Wyntown, B. VIII. c. xli; Lives of the Lindsays, vol. i. p. 54.

[2] Knyghton *apud* Twysden, 2566.

[3] Old Genealogy of Earls of Mar in Mar Charter-chest. Mar Peerage Evidence, p. 515.

[4] Wyntown, B. VIII. c. xli. l. 37.

[5] Original *penes* Lord Torphichen, printed in Spalding Club Miscellany, vol. v. p. 243.

died beyond sea is corroborated by the fact that among those named as in the household of King David the Second during his residence at Chateau Gaillard in Normandy, in the year 1340, is a John of Douglas, and he must have been a person of some importance, as his expenses are first reckoned among those of the king's household and then deducted, and amount to the sum of £10 for a year, or less.[1] Further, when in 1342 Hugh of Douglas, brother of the Good Sir James, resigned the Douglas estates, the king's charter of regrant makes no mention of John of Douglas, but only of William, who, according to Wyntown, was the younger brother. It is therefore probable that John of Douglas died in France before 1342, and unmarried.

2. William of Douglas, the second born, but the only surviving son of Sir Archibald Douglas. In terms of the resignation of his uncle, Hugh, Lord of Douglas, in 1342, William Douglas succeeded to the lordship of Douglas. He was by King David the Second created Earl of Douglas on 26th January 1358. Of him a memoir follows.

3. Eleanor. Little is known of this lady save that she was five times married. Her first husband, to whom she must have been married very young, was Sir Alexander Bruce, a son of Edward Bruce, brother of King Robert, who inherited his father's title of Earl of Carrick. He was killed at Halidon on 19th July 1333,[2] without issue. His Countess, who retained the title of Countess of Carrick during life, married, secondly, Sir James Sandilands of Sandilands, a distinguished vassal of her brother William, Lord of Douglas. About 1349 the Lord of Douglas bestowed upon his sister, Lady Eleanor of Bruce, and James Sandilands, in free marriage, the lands

[1] Exchequer Rolls, vol. i. p. 466.

[2] Fordun, à Goodall. vol. ii. p. 311.

of West Calder.[1] Of this marriage there was issue, and the present Lord Torphichen is now the representative, and still holds these lands. Sir James Sandilands died before 1358, and his widow made a journey into England to the shrine of Canterbury.[2] The third reputed husband of Eleanor was Sir William Tours of Dalry. This has been doubted, but in 1364 she received from Exchequer a sum of £26, 13s. 4d. as compensation for growing corn destroyed at Dalry.[3] Since she thus had an interest in the lands, the marriage may have taken place. Previous to 1368 Eleanor, Countess of Carrick, married, fourthly, Sir Duncan Wallace of Sundrum, who received various charters to himself and his wife.[4] In April and December 1373 the Countess was again in England, and in April 1374 she had licence to import corn for her own use.[5] In 1376 a dispensation was issued from Rome for a marriage between Eleanor Bruce, Countess of Carrick, and her fifth husband, Sir Patrick Hepburn of Hailes.[6]

[1] Vol. iii. of this work, p. 15; Acts of the Parliaments of Scotland, vol. xii. p. 9.

[2] Rotuli Scotiæ, vol. i. p. 824.

[3] Exchequer Rolls, vol. ii. p. 165.

[4] Registrum Magni Sigilli, vol. i. pp. 75, 102. Cf. Registrum Episcopatus Glasguensis, vol. i. p. 279.

[5] Rotuli Scotiæ, vol. i. pp. 957, 960, 963.

[6] Andrew Stuart's Genealogy of the Stewarts, p. 440.

VI.—2. SIR WILLIAM DOUGLAS, KNIGHT, LORD OF DOUGLAS. CREATED EARL OF DOUGLAS, AND FIRST EARL OF DOUGLAS AND MAR.

LADY MARGARET OF MAR, HIS COUNTESS.

1342—1384.

SIR WILLIAM DOUGLAS was the younger son of Sir Archibald Douglas, the Regent of Scotland. As already stated in the previous memoir, his elder brother, John, died unmarried before the resignation of the Douglas estates by their uncle, Hugh Douglas. Sir William was therefore the nearest heir to these estates, and on 29th May 1342, King David the Second, in terms of that resignation, regranted them to a series of heirs, the first being William of Douglas, son and heir of the deceased Sir Archibald of Douglas, brother of Sir James, Lord of Douglas.[1]

The date of the birth of William of Douglas has not been ascertained, but in 1342 he was still a minor, and a ward of his godfather, Sir William Douglas, the Knight of Liddesdale.[2] It is stated by historians that he was educated in France, and bred to arms in the wars of that country, and there seems to be no doubt that his earlier years were spent there. He returned to Scotland about 1348,[3] probably on his coming of age. Scotland

[1] Vol. iii. of this work.

[2] Registrum Honoris de Morton, vol. ii. pp. 46, 47.

[3] Fordun, à Goodall, vol. ii. p. 346; Wyntown, B. VIII. c. xli. ll. 34-36. Hume of Godscroft (p. 80), following Boece, states that William of Douglas fought at Durham in 1346, and was made Earl before the battle. It is also stated that he was made prisoner but was quickly ransomed. This, however, is erroneous.

was then in a critical condition, greatly weakened as it had been by the recent defeat at Durham. King David the Second was a prisoner in the Tower, and many of the nobles and barons of Scotland, including the Knight of Liddesdale and the Earls of Fife and Sutherland, had been taken with the king, and were captives in England. The Steward of Scotland, who, with the Earl of March and the division of the Scottish army under their command, had made good his retreat from the field of battle, was acting as Regent of Scotland, but was unable to make head against the invaders, who overran the greater part of the south of Scotland.

During the year 1347, Edward Baliol, at the head of the men of Galloway, with the aid of Henry Percy and Ralph Neville and their men, laid waste the Lothians, passed to Glasgow, and returned to England through Cunningham and Nithsdale, destroying the country traversed by them.[1] In that or the following year Douglas returned to Scotland. His first act was to proceed to his own territory of Douglasdale, whence he drove out the English. He then went to Edinburgh, and was cordially received by his maternal uncle, Sir David Lindsay of Crawford, then Governor of Edinburgh Castle. After remaining there for a time, Douglas bestirred himself for the deliverance of his country. The well-known bravery of his family enabled him to gather, of burgesses and others, what Wyntown describes as a "gret cumpany," with whom he marched southward. He found a lurking-place in Ettrick or Jedburgh Forest, where he and his men were welcomed by the country people, who daily came in to him to renew their fidelity to their own government.[2] The Castle of Roxburgh, which dominated the Forest, was at this time held for King Edward by Sir John Copland, who mustered

[1] Fœdera, vol. iii. p. 104; Fordun, à Goodall, vol ii. p. 346.

[2] Fordun, à Goodall, vol. ii. p. 346; Wyntown, B. VIII. c. xli. Bower says that Douglas drew to himself all [the men of] Ettrick Forest. Wyntown says simply that he went to "the forest," suggesting from the context that it was the forest of Jedburgh, in which Douglas had his resort. Lord Hailes [Annals, vol. ii. p. 243] follows Bower.

a considerable force, and sallied out into Teviotdale against Douglas. But the Scots in the district joined themselves to Douglas and put Copland and his men to flight, some of them turning their backs without striking a blow.[1] Of this success Douglas took advantage to confirm the Scots of that district in their allegiance.

Owing to the scantiness of Scottish record nothing is known of Douglas for the next two years. His first recorded appearance in political life is in 1351, as a Commissioner for Scotland in company with the Earl of March and others to treat with the envoys of England for the liberation of King David Bruce.[2] The meeting was at Newcastle-on-Tyne. Various negotiations had already been carried on between the two countries with the same object, but without practical result. On this occasion, however, it was arranged that David should visit his kingdom upon parole, seven youths from the noblest families in Scotland being accepted as hostages in his place. At a later date William, Lord of Douglas, was one of those who carried through the exchange of the hostages for the king, and accompanied the latter to Scotland.[3]

The mention of the name of the Lord of Douglas in connection with these negotiations has led the usually accurate Lord Hailes into a misstatement.[4] His Lordship writes: "From an instrument preserved in *Fœdera Angliæ* it appears that the English were engaged in some mysterious negotiations with the King of Scots and Lord Douglas." After narrating the terms of the document in question, which is described as containing a secret instruction,[5] Lord Hailes adds, "The negotiations, whatever might have been their tendency, proved unsuccessful, and the King of Scots was remanded to prison." Lord Hailes is right in saying that secret negotiations were carried

[1] Wyntown, *ut supra.*

[2] Fœdera, vol. iii. p. 225, 28th June 1351.

[3] Fœdera, vol. iii. pp. 230, 231.

[4] Annals, vol. ii. p. 246.

[5] Fœdera, vol. iii. p. 242.

on for liberating the Scotch king, and that they proved abortive, but he is wrong in making William, Lord of Douglas, a party to them. The person named in the document referred to is not the Lord of Douglas, but is distinctly stated to be "Monsieur William Douglas," which was the usual appellation of the Knight of Liddesdale.[1]

Further proof that the Knight of Liddesdale was the person indicated in the secret instructions may be found in the following facts:—David the Second was liberated in September 1351, and the order for his reception again as a prisoner is dated 28th March 1352. Between these two dates the Knight of Liddesdale was also set free to go to Scotland, permission to that effect being given on 20th January 1352, to endure till the following Easter.[2] A few days later the English king issued letters to the Anglicised Scots ("Scotis Anglicatis"), informing them that a treaty was in progress for the liberation of King David Bruce, and that Douglas had gone to Scotland to assure it. They were, by counsel and otherwise, to assist William Douglas in fostering the treaty on behalf of the Scots king, in case of opposition in Scotland, and to continue their assistance until Easter, when the Knight of Liddesdale's safe-conduct expired.

On the eve of the King of Scots again surrendering himself, the secret instructions were issued to several English commissioners, to the effect that if the treaty then in progress failed, and it were thought, after conference with King David Bruce and Sir William Douglas, that the work ("exploit") might be otherwise accomplished, and if they had ascertained the favourable disposition of their friends, they were to permit the King of Scots to remain in the north of England, to prolong his liberty, or otherwise, as they saw necessary for the furtherance of the business. It is quite evident, therefore, that as the Knight of Liddesdale was permitted his liberty at the same time

[1] Fœdera, vol. iii. p. 246.

[2] Rotuli Scotiæ, vol. i. p. 746. Easter in that year fell on 8th April.

with the King of Scots, and was to receive assistance from the English party in Scotland, the secret instructions refer to him, and the result of his efforts to further the treaty, and not to the Lord of Douglas, who from first to last was a consistent patriot.[1]

These negotiations, whatever they were, came to nought, and both the King of Scots and the Knight of Liddesdale returned to captivity in the Tower. But in the month of July the Knight of Liddesdale entered into a solemn agreement with the King of England to be his servant, and to permit the English to pass through his lands at all times without hindrance, in return for which he was set at liberty, with a grant of the lands of Liddesdale and Hermitage Castle, etc., to be held of the English king.[2] This document, which was a virtual betrayal of all the south of Scotland into the hands of the English monarch, probably embodied some of the proposals contained in the secret instructions already referred to.

William, Lord of Douglas, appears to have visited England on some errand in the early part of the year 1353, when he had a safe-conduct from King Edward the Third.[3] In the summer of the same year he resumed hostilities with the view of reducing the Anglicised Scots to their proper allegiance. Gathering a large force, he made a descent upon Galloway, the country of Edward Baliol. For some time Baliol had been residing within his own territory, but in the previous year he was summoned to England, the English monarch taking the Galwegians and others under his own protection during their lord's absence.[4] Douglas, however, overawed the Galloway chiefs, and so successfully treated with them that they took the

[1] A recent historian [Tytler, vol. ii. pp. 20, 21] has repeated Lord Hailes's error, and has enlarged upon the subject, though admitting that the Lord of Douglas did not fall in with the English designs. He never had anything to do with them.

[2] Fœdera, vol. iii. p. 246.

[3] Rotuli Scotiæ, vol. i. p. 756. To endure from 16th January to 25th March 1353.

[4] *Ibid.* pp. 753, 754.

oath of fealty to the Guardian of Scotland. One who is named as the principal among these chiefs, Duncan or Dougal Macdowell, took the oath in the church of Cumnock.[1] He had fought among the Scots at the battle of Durham, and been taken prisoner, but the next year was liberated on bail, and swore fealty to Edward the Third. To punish him for his new change of party the English king issued letters, dated in August 1353, ordering the confiscation of his goods and chattels.[2] These letters fix the date of the invasion of Galloway.

To the same year, 1353, may with probability be assigned the taking of the castles of Dalswynton and Carlaverock, and the winning back the allegiance of Nithsdale to the Scottish crown, achieved by Roger Kirkpatrick. The Earl of Carrick also, son of the Steward, afterwards King Robert the Third, entered Annandale with a considerable force, and remained there till it was brought into subjection. Wyntown and Bower both refer these events to a later date, the latter to 1356, while Fordun takes no notice of them.[3] An English chronicle, on the other hand, states that while King David was a prisoner, the Lords of Scotland, by little and little, won back all they had lost at the battle of Durham, and that Lords Percy and Neville, then wardens on the English Marches, made truce with William Lord of Douglas when he had re-conquered the lands that the English had taken from the Scots.[4] It is certain that towards the end of 1353 the Scots mustered so strongly on the

[1] Wyntown, B. VIII. c. xlii. ll. 161-174; Fordun, à Goodall, vol. ii. p. 356.

[2] Rotuli Scotiæ, vol. i. p. 761.

[3] Fordun, edition 1871; Wyntown, *ut supra*; Fordun, à Goodall, *ut supra*.

[4] English version of Scalacronica. Leland's Collections, vol. i. pp. 564, 565. Without giving a precise date, the author of Scalacronica certainly assigns the winning back of the South of Scotland by the Scots to the years before 1355. This statement in reference to Percy and Neville, taken in connection with Douglas's association with the Earl of March in 1355, and a truce with the English warden in 1356, shows that the Lord of Douglas was so early as 1353 a warden of the Scottish Marches, though he is not named as such until 1357.—[Fœdera, vol. iii. p. 354.]

Borders that King Edward the Third, in anticipation of an invasion as soon as the truce between the two countries expired, ordered light horsemen and archers to be kept in readiness to march northward if required.[1] It was even reported that Scottish spies were searching out the weak places in the walls of Carlisle, and orders were issued for the arrest of all suspected persons, lest they should give information to the enemy.[2] There is, therefore, good reason for assigning the re-conquest of Galloway, Nithsdale, and Annandale to this period instead of a later date.

But the occupation of these territories by the patriotic party in Scotland had an important bearing on the fortunes of the Knight of Liddesdale. It rendered his plans inoperative, as the Anglicised Scots in these quarters were the chief supports on whom he could reckon in any treasonable scheme he might cherish. He himself met an untimely but not undeserved fate. In the month of August 1353, little more than a year after his release from captivity, he was hunting in Ettrick Forest, when he was slain by his godson, the Lord of Douglas, then probably returning victorious from his raid on Galloway. Fordun states that he was killed in revenge for his share in the deaths of Sir Alexander Ramsay and Sir David Berkley, and also because of other enmities stirred up between the two Douglases, by their ambition.[3] It does not appear that the Knight's secret negotiations had become known to the Scottish leaders, as the eulogium passed upon him by a contemporary historian[4] forbids the supposition that his treason was made public. The slaughter was committed, it is said, at a place called Galsewood,[5] which

[1] Rotuli Scotiæ, vol. i. p. 762. 30th October 1353.

[2] Fœdera, vol. iii. p. 273. 4th March 1354.

[3] Fordun, edition 1871, vol. i. p. 370.

[4] *Ibid.* John of Fordun speaks of Sir William Douglas as "a wise and very prudent man." Bower says of Sir William that "he was brave in battle, had suffered for his country, was skilful in war, and faithful to his promises" —words inconsistent with knowledge of his treason.—Fordun, à Goodall, vol. ii. p. 348.

[5] Now called Williamhope.—Sir Walter Scott's Tales of a Grandfather, Edition 1850, p. 52.

Godscroft states was in Minchmoor, and he adds that a cross erected on the spot was called until his own time William's Cross.[1] The body of the slain Knight was carried to Lindean Church, near Selkirk, and finally deposited in Melrose Abbey, while at a later date the Earl of Douglas granted lands to the Abbey on behalf of his kinsman's soul.[2]

Another and more romantic reason for the slaughter by William, Lord of Douglas, of his kinsman of Liddesdale, is asserted by Hume of Godscroft, and gravely repeated by a recent historian, namely, jealousy on account of undue partiality shown by the "Countess of Douglas" to the Knight of Liddesdale.[3] The sole basis for this statement of Hume's seems to be the anonymous Border ballad, part of which he quotes, to which he adds the tradition that the lady wrote to her lover to dissuade him from that hunting. Apart from the fact that this tradition is opposed to contemporary history, which states that Sir William was wholly unsuspicious of danger, the story told by Godscroft is otherwise erroneous. He assumes that Douglas was made Earl in 1346, and that he was married to a daughter of the Earl of March, neither of which assumptions is true. Douglas was not created Earl until 26th January 1357-8, and there was therefore no "Countess of Douglas" to weep for the Knight of Liddesdale. Douglas's only wife was Lady Margaret of Mar, who survived him. The exact date of their marriage has not been ascertained, but it is certain that Douglas had no Countess

[1] Godscroft's MS. History, p. 153.

[2] Vol. iii. of this work, pp. 19, 20; Liber de Melros, vol. ii. p. 463.

[3] Hume's History of Douglas and Angus, p. 77. Tytler, vol. ii. pp. 22, 23, note. The ballad, quoted as evidence for the story, states that

"The Countesse of Douglas, out of her boure she came
And loudly there that she did call;
It is for the Lord of Liddesdale,
That I let all these teares doune fall."

More recent historians have added to this romantic tale by describing William of Douglas as "the faithless husband of a faithless wife." She was believed to have had a paramour in Sir William Douglas of Liddesdale. Her jealous husband slew that "flower of chivalry."—[Dr. Joseph Robertson in Chambers's Encyclopædia, vol. iii. p. 648.]

of the family of March in 1353, while it is doubtful if at that date he was married at all. Popular tradition is therefore at fault in assigning matrimonial jealousy as a motive for killing the Knight of Liddesdale. The subject of his marriage will be afterwards discussed.

In slaying his kinsman, Douglas may have been stirred up to revenge the cruel deaths of Sir Alexander Ramsay and Sir David Berkley. It is said King David Bruce never forgave the murder of the former. But John of Fordun further assigns as the cause of the Knight's death "enmities and diverse disputes and hatreds, which the desire of power raised up betwixt them," and the probability is that the true cause of the deed was that both men laid claim to the same lands, and that Douglas, meeting his rival hunting and trespassing on his territory, challenged him, and the Knight was killed in the encounter. That both Douglas and his kinsman laid claim to the same territory has never hitherto been clearly understood by the historians who have referred to this subject. As the fact is of some interest, and as it is corroborated by the family charters, and has a direct bearing on Douglas's personal history, the circumstances may be related.

In a previous memoir reference has already been made to the large grants made by Hugh, Lord of Douglas and Jedworth Forest, to the Knight of Liddesdale, of the lands of Westerkirk, Stablegorton, and Polbuthy. These lands undoubtedly belonged to the Douglas territory, but Liddesdale also was claimed and held as an appanage by that powerful family. The Valley of Liddel, from which the Knight of Liddesdale took his distinctive title, was not inherited by him, but was granted to him by King David Bruce, under somewhat special circumstances. On 14th February 1342, in a Parliament held at Aberdeen, Robert, the Steward of Scotland (afterwards King Robert the Second), appeared before the King and Council, requiring sasine and possession of the lands of Liddesdale to be given to him, in terms of a

Crown grant made to him on his receiving knighthood.[1] This application was opposed by Sir William Douglas, who declared that the territory belonged to him by reason of ward of the son and heir of Sir Archibald Douglas, and he showed a charter of infeftment in favour of Sir Archibald. After discussion, the King and Council decided that the charter was void, because at the date of it Sir Archibald Douglas was Guardian of the kingdom, and had no right to bestow the Crown lands on any one, much less on himself. The king then, in presence of his Council, delivered to the Steward full sasine and possession of the lands of Liddesdale.[2]

The Steward's actual ownership, however, was very short. Two days after the Guardian's charter was declared null, the king bestowed the lands of the Valley of Liddel on Sir William Douglas, who, from that time, was publicly called the Lord of Liddesdale.[3] One peculiarity of this grant is, that it makes no mention of any resignation by the Steward, nor of any previous possessor of the lands, except Sir William Soulis, and the lands are to be held as he held them. One is almost tempted to believe that in this case the Steward, who heads the list of witnesses to the new charter, was made the tool of Sir William Douglas, who thus procured, in an apparently legal manner, the removal of an impediment in the way of annexing his ward's lands. A more probable explanation, however, of the Steward's conduct is found in the fact that on the same day that Sir William Douglas received Liddesdale, he made over to the Steward the earldom of Athole, of which he had been owner since the previous July.[4] The Knight of Liddesdale held his new possessions

[1] The lands of the Valley of Liddel had belonged to Sir William Soulis, and were forfeited by him in 1320, when he was executed for high treason. They were then bestowed on Sir Robert Bruce, a natural son of King Robert First. He was killed at Dupplin, in 1332, and the grant to the Steward must have been made after that date.

[2] Registrum Honoris de Morton, vol. ii. pp. 46, 47.

[3] *Ibid.* pp. 47, 48.

[4] Robertson's Index, p. 48, No. 29; Registrum Honoris de Morton, vol. ii. p. 40.

and skilfully defended the Scottish Border, until the battle of Durham in 1346, when he was taken prisoner.

After that date, until the Knight's final liberation in July 1352, he visited Scotland only twice on parole for a few months. He then treasonably accepted from the English king these very lands of Liddesdale and castle of Hermitage. Meanwhile William, the young Lord of Douglas, returned from France, and found his hereditary possessions overrun by the English; and if, as is probable, he felt a jealousy on discovering that considerable portions of the estates of his uncle, the Good Sir James, had been conveyed away by his uncle Hugh, he would be yet more chagrined at finding the widespread territory of Liddesdale gifted away from his father's inheritance. If, with such feelings rankling in his mind, Douglas unexpectedly met his kinsman, between two such spirits a quarrel would speedily arise, which would quickly pass from words to blows, and be ended only by the death of one of the combatants.

This view is materially strengthened by the fact that very shortly after the death of the Knight of Liddesdale, the lands of Liddesdale were conferred upon William, Lord of Douglas, by King David the Second. The grant is contained in what is virtually a new charter of the Douglas estates.[1] By this writ King David the Second bestowed on William, Lord of Douglas, the whole lands, rents, and possessions in which the late Sir James, Lord of Douglas, his uncle, and Sir Archibald of Douglas, his father, died possessed. Of these the principal were: The lands of Douglasdale, Lauderdale, the valley of Esk, the forests of Ettrick, Selkirk, Yarrow, and Tweed, the town, castle, and forest of Jedburgh, the barony of Buittle in Galloway, and the lands of Polbuthy in Moffatdale, with a few minor baronies, all lately held

[1] Vol. iii. of this work. This charter, so important for the Douglas history, is only known by two transumpts, one in the Douglas Charter-chest, and the other at Cavers. Even the register from which it was extracted seems to have been lost, as it is not named in Robertson's Index.

by Sir James, the grantee's uncle; and the lands of the Valley of Liddel, with the castle, the barony of Kirkandrews in Dumfriesshire, certain lands in Aberdeenshire, the baronies of Cavers, Drumlanrig, Terregles, and Westcalder, and some other lands lately held by the grantee's father, Sir Archibald. These were to be held for services due and wont, and to the lands was added the leadership (ducatu) of the men of the sheriffdoms of Roxburgh, Selkirk, and Peebles, and of the Upper Ward of Clyde.

In this charter it is implied that the lands of Liddesdale belonged to the grantee's father, Sir Archibald Douglas, and that they descended to the son. No notice is taken of the nullity of title decided in 1342, nor is reference made to the possession by the Knight of Liddesdale. It is somewhat striking that the decision of the Council was thus ignored, which, if it were valid, necessitated a new grant of the lands to any future possessor. The omission suggests that Douglas looked upon Liddesdale as his inheritance, needing no new charter to make his title complete.

The charter now under review has another peculiarity, and one of some historical interest. It is dated at Edinburgh, on the 12th day of February, in the twenty-fourth year of the king's reign, which, according to the ordinary computation from the date of his accession, would be February 1353. But he was not in Scotland in that year, nor was he in his Council a year later at Inverkeithing, when the great seal was affixed to certain charters in his name.[1] The date of that Council is 1st April 1354, and it is said to be the twenty-fourth year of King David's reign, though properly the twenty-fifth.[2] This fact seems to fix the date of this charter, the witnesses to which are

[1] Acts of the Parliaments of Scotland, vol. xii. Supp. pp. 8-11.

[2] In regard to certain charters produced at this Council, a recent writer says, "It is now well known that in all documents *after* his return from England, the regnal years of David II. are stated one year short of the truth. These charters show that this discrepancy between the years of his reign and the years of our Lord, existed also some time *before* his return from captivity."—Mr. Cosmo Innes in Registrum Cartarum de Kelso, Preface, p. xxvi, note.

precisely similar, as 12th February 1354, a few months after the Knight of Liddesdale's death. Were it possible to accept the date as it appears, in 1353, the time of granting it would coincide with the visit paid by Douglas to England, already noticed, and if he obtained the imprisoned king's consent to such a charter, his quarrel with the Knight of Liddesdale would be clearly accounted for. But it is more probable that the Knight of Liddesdale's death preceded the charter, though the haste with which Douglas completed his title to his kinsman's territory bespeaks the eagerness of his desire to possess it. Thus the words of Fordun, representing contemporary opinion, are justified by the facts.

From this period William, Lord of Douglas, became still more prominent in Scottish history as an active and skilful leader of hostilities against the English. No open warfare, however, took place for some time, and during the lull negotiations were continued for the liberation of King David. A treaty was at last all but completed, by which the King of Scots was to be set free, a sum of 90,000 merks sterling being paid as his ransom, while twenty young barons were to become hostages in England, and the Lord of Douglas and three other magnates were to give security for payment of the ransom. But ere this treaty was finally ratified, Sir Eugene de Garencieres arrived from France with the special mission of preventing its ratification, as it was deemed prejudicial to France. He was accompanied by sixty knights, and also brought with him a number of golden arguments,[1] which speedily wrought conviction among the Scots.[2]

The French emissary landed in Scotland about Easter 1355, and it was resolved to invade England as soon as the term of truce expired. Preparations for war, however, had been in progress on the part of the English from

[1] 40,000 *moutons d'or* = £24,000 modern coin. Macpherson's Notes to Wyntown, vol. ii. p. 512. This gold coin had the impression of the Agnus Dei, hence the name of *mouton* given to it in vulgar speech.

[2] Fordun, edition 1871, vol. i. p. 371.

the very beginning of the year,[1] as they were always afraid of the patriotic party in Scotland who were opposed to the treaty. Levies were frequently called out by the English king, and the English were the first aggressors, making an inroad on the territories of the Earl of March.[2] To avenge this the Earl, with the Lord of Douglas and a strong force, accompanied by Sir Eugene de Garencieres and the French men-at-arms, marched towards Norham.[3] Wyntown relates that Douglas practised a stratagem on Sir Thomas Grey, then warden of that castle, by sending forward Sir William Ramsay of Dalwolsy with a party of foragers to scour the country round Norham. Sir Thomas Grey, with eighty men-at-arms (some accounts say fifty), issued out to arrest the plunderers, who drove their prey northward under the very walls of the castle. After a short resistance Ramsay and his party fled in the direction of Nisbet, where Douglas had established an ambush, and brought to the Scots "good news of the advent of the English." The latter were greatly astonished, as they turned the shoulder of the hill, by the unexpected sight of the well-known banner of Douglas; but it was too late for retreat, and "taking their lives in their hands," Sir Thomas Grey and his men rushed on the Scots. In the fight he and his party were defeated, and Sir Thomas, his son whom he had knighted on the field, and others, were made captives.[4]

Some time afterwards the Scots, under the Earls of March and Angus, seized the town of Berwick, but it was found impossible to keep the place, which was soon besieged by the English monarch himself at the head of a large army. The small force of Scots who had been appointed to remain in Berwick surrendered on their lives being spared, and abandoned the town to the English. This was on 13th January 1356.[5] On the 25th King Edward

[1] Rotuli Scotiæ, vol. i. p. 775, *et seq.*
[2] Fordun, edition 1871, vol. i. p. 371.
[3] *Ibid.*
[4] Fordun, edition 1871, vol. i. p. 372.
[5] Walsingham, Ypodigma Neustriæ, edition 1574, p. 123.

the Third received from the unfortunate Baliol a formal resignation of all his pretensions to the Crown of Scotland, and once more deeming the country his own, he prepared to overrun it. After the surrender of Berwick the southern counties lay very much at his mercy, as the Scots had no force which with any hope of success they could oppose to his large army.[1]

The Scottish leaders, however, remembered the advice given by King Robert Bruce to his captains, and as they could not meet the enemy in the field, they hoped by stratagem to defeat his purposes. As the English king resumed his march from Roxburgh, he was met by the Lord of Douglas, who came ostensibly as a negotiator from the Steward of Scotland. An English historian states that the army of Edward presented a splendid appearance. Before the king, who commanded in person, was borne prominently, among other banners and pennons, the royal standard of Scotland. It is also said that when on the arrival of Douglas the army halted and encamped, it covered an extent of twenty leagues.[2] Douglas succeeded in arranging a truce for ten days, during which time he pretended to communicate with the Steward of Scotland and other nobles, and amused Edward with hopes that his pretensions to the throne would be recognised.[3] The real designs of the Scottish leaders were, however, only to gain time, and Douglas's mission was so completely successful that when the English army resumed its march, the whole country was found to be laid bare of provision. Cattle had been driven off, fodder destroyed, houses emptied of goods and inhabitants, the latter having fled to places inaccessible to the enemy, from which, however, they were ready at all times to harass the English, and cut off stragglers. The result was that, between the diplomacy of Douglas, and the activity

[1] The numbers of Edward's army have been variously stated, one English writer giving 33,000 men as the total, while the Scottish historians estimate the total at 80,000.

[2] Robert of Avesbury, p. 236, quoted by Tytler, vol. ii. p. 31. Miles are probably meant.

[3] Tytler's History of Scotland, vol. ii. p. 31.

with which the Scots had removed their goods, the English king found himself marching through a comparative desert. In addition to this, while waiting at Haddington for his fleet, which was to bring food to the soldiers, a tempest from the north sank a number of the ships, and scattered the rest. Edward and his army were thus left destitute, and compelled to retire. In doing so they burned and destroyed abbeys, churches, and towns, and committed such ravages that this invasion was long known in popular tradition as the "Burnt Candlemas."[1]

The retreat of the English was made in great disorder, which was increased by constant attacks from the Scots, who had harassed the army all along, but now hung upon its rear, and embarrassed the march in every way. King Edward himself nearly fell a victim to one of these attacks, his portion of the army having been led into an ambuscade, laid by Douglas, near Melrose, and many of the English soldiers slain.[2]

On arriving in his own kingdom, and realising that Scotland was further than ever from being subdued, the English king now expressed his willingness to treat for peace. He reached London about the 15th of March 1356, and ten days afterwards appointed commissioners to treat with the Scots.[3] The Lord of Douglas, to whom this satisfactory result may, in a great measure, be ascribed, during the cessation of hostilities, set out, it is said, on pilgrimage, but to what place does not appear.[4] In the month of April, at Roxburgh, he concluded with the Earl of Northampton, the English warden, a truce to endure for six months, binding himself not to molest the English so long as they abstained from hostilities against his lands, or those of the Earl of March, his fellow-warden.[5] In the following June he passed into England

[1] Fordun, à Goodall, vol. ii. p. 354.

[2] Fordun, edition 1871, vol. i. p. 374; Hailes' Annals, vol. ii. p. 261.

[3] Rotuli Scotiæ, vol. i. p. 791.

[4] Scalacronica, p. 175.

[5] Fœdera, vol. iii. p. 327. Dated 18th April, to endure to Michaelmas 1356.

with the purpose of conferring with the King of Scots, and also of treating with the English Council as to his liberation.[1] From England he went to France and offered his services to the French king, who was mustering forces against the Black Prince, then at Bordeaux. He was received with great honour by King John of France, who accepted his services, and conferred upon him the belt and order of knighthood. With many other Scots, who at this time had taken service in France, Douglas was present at the battle of Poitiers. There the French, chiefly owing to their own impetuosity and lack of generalship, were defeated, and their king was made captive. Many Scots fell, or became prisoners, and Sir William Douglas would probably have shared their fate, but his followers, seeing how the battle would go, dragged their lord out of the midst of the fray, greatly against his will, and took him away with them. He shortly afterwards returned to Scotland.[2]

The negotiations for peace had progressed but slowly. The commission to the Scottish ambassadors was only granted in January 1357, and the truce was not completed till the following May. The battle of Poitiers, and the capture of the French King, enabled the area comprehended in the truce to be made more extensive than usual—a cessation of hostilities being proclaimed between the subjects of the King of Scots and those of the English King in England, Ireland, Gascony, Brittany, Wales, and the Isle of Man. Special conditions were made in regard to ships stranding on the coast of either England or Scotland—the shipwrecked persons were to be cared for, and when restored, allowed to go forth free with their goods and chattels. The last clause of the treaty provided, quaintly enough, that all the people,

[1] Rotuli Scotiæ, vol. i. p. 793. Safe-conduct, dated 3d June 1356, to endure till the 15th August following.

[2] Fordun, edition 1871, vol. i. p. 376; Scalacronica, p. 175; Froissart (vol. i. cap. clxi., Lord Berners' translation) says that Sir William Douglas "fought a season right valiantly, but whan he sawe the dysconfyture he departed and saued hymselfe, for in no wyse he wolde be takenne of the Englysshmen, he had rather ben there slayne."

on the one part and on the other, should abide peaceably in the possession of their rents and other profits, which they have at present, during the truce. To enforce this last regulation, wardens were appointed on the Marches of England and Scotland respectively. The Earl of March was associated with the Lord of Douglas in guarding the East March, while John, Lord of Kyle, afterwards King Robert the Third, was keeper of the Western Border.[1] About this time, or a little later, Douglas seized the Castle of Hermitage in Liddesdale, which had been in the possession of the English. No particulars of this exploit have been preserved, but it formed the subject of arbitration at a later date.[2]

William, Lord of Douglas, was present at that important Parliament in September 1357, which appointed the Earls of March, Angus, and Sutherland, with others, as Commissioners to appear at Berwick, and treat finally with the English as to the liberation and ransom of the King of Scots, and a truce between the two nations.[3] The treaty was concluded at Berwick on 3d October 1357, and in accordance with its conditions, King David the Second was set free after a captivity of eleven years; the Scots binding themselves to pay a ransom of 100,000 merks sterling, by yearly payments of 10,000 merks. Twenty young men of the highest rank were to become hostages, and, for further security, three out of six great lords, of whom the Lord of Douglas was one, were to place themselves in the hands of the English.[4]

In the following January, Sir William Douglas was raised to the rank of Earl. The date of his creation may be fixed as the 26th January 1357-8,

[1] Fœdera, vol. iii. p. 354.

[2] Rotuli Scotiæ, vol. i. p. 826. The Hermitage was probably seized in consequence of a raid by Sir Robert Twyllyoll and a large company of English borderers, who on 7th October 1357, ravaged Eskdale, carrying off a large number of cattle and much household stuff. A complaint as to this and other devastations was addressed by Douglas to King Edward III. [Original in Public Record Office, London.] The King's reply is not recorded, but the seizure of the Hermitage was referred to arbitration in the following June.

[3] Acts of the Parliaments of Scotland, vol. i. pp. 516, 517.

[4] *Ibid.* vol. i. pp. 518-521.

or between the 25th and 27th days of that month. On the 25th he appears as a witness to a charter by King David the Second in favour of John of Menteith and Marjory Stirling, his spouse, and is described as William, Lord of Douglas, knight;[1] and on the 27th January he bears the title of Earl of Douglas in a charter granted to the monks of Melrose.[2] The date of his creation has been stated to be 4th February 1357-8,[3] but is now proved to be about ten days earlier, and the dignity must have been conferred during the sitting of the Parliament or General Council, held at Edinburgh from the 20th to the 28th of January 1357-8.[4] The Earl's new dignity is not acknowledged in the English records until a few months later. Shortly after his creation he seems to have travelled into England, under a safe-conduct, which was to endure till midsummer,[5] though he was still in Scotland, at Edinburgh and Perth, with the king during February and March.[6] Between March and May, the Earl passed into England, his servants also going and coming on his business, and about the end of May he was again on his way north. He was again in England about October 1358, returning to Scotland in December.[7] The Earl's journeys into England were frequent between January 1358 and the year 1361, among his companions being the Steward of Scotland and Patrick, Earl of March. The Countess of Douglas also passed into England more than once between 1358 and the end of 1362, though her visits to the south were ostensibly of a religious character, to the shrine of Canterbury.[8]

The Earl's duties as a hostage and surety for the payment of King David's ransom were probably the cause of his journeys to, and partial residence

[1] The Stirlings of Keir, by William Fraser, 1858, p. 199.

[2] Acts of Parliaments, vol. i. p. 522.

[3] Robertson's Index, p. 31, No. 42.

[4] Acts of Parliaments, vol. i. pp. 522, 523.

[5] Rotuli Scotiæ, vol. i. p. 819. Safe-conduct dated 27th January 1358.

[6] Cartulary of Neubotle, p. 296; The Lennox, by William Fraser, vol. ii. p. 411.

[7] Rotuli Scotiæ, vol. i. pp. 821, 825, 831; Charters of St. Giles, p. 6.

[8] Fœdera, vol. iii. pp. 394, 409, 439, 554, 680.

in England. He was doubtless also engaged in the negotiations for peace, which were at this time constantly going on betwixt the two countries. He was present in a council at Edinburgh in August 1358, when the monks of Melrose received a charter erecting their lands into a regality, and also, what was of considerable importance at that time, obtained a remission of custom on the wool sold or exported by them.[1] After a short sojourn in England, he was in attendance on the King of Scots at Edinburgh in March 1359.[2] In September of the same year, he was on a visit to his brother-in-law, Thomas, Earl of Mar, at Kildrummy Castle,[3] and two months later, was with the king at Perth.[4] In their account to Exchequer for the same year, the Sheriffs of Peebles state that no rent had been received from the king's meadow (near Peebles), because, as they allege, the Earl of Douglas had dealt with these lands, though without any known title. The auditors of Exchequer decided to consult the king on the subject. He, however, appears to have been satisfied, as about the same time, Douglas received from the king a remission of £13, and also of the custom on thirty sacks of wool, amounting to £20.[5]

During the greater part, or the whole of the following year, the Earl remained in Scotland. His movements are traceable by the charters to which he was a witness, but these have no special political or historical interest. In the end of 1359 or beginning of 1360, the Earl himself granted some important charters to the monks of Melrose. These grants affected his lordship of Cavers, and the advowson of the church of that parish. The first charter related to the lands of Ringwood, or Ringwoodfield, a name not now in use, but which, from the boundaries, seem to have included the modern

[1] Liber de Melros, pp. 400-402; Acts of Parliaments, vol. i. p. 523.

[2] 15th March 1359. The Book of Carlaverock, vol. ii. p. 410.

[3] Antiquities of Aberdeen and Banff, vol. iv. p. 718.

[4] *Ibid.* p. 156.

[5] Exchequer Rolls, vol. i. pp. 567-569.

farms of Northhouse, Skelfhill, and Priesthaugh. The lands in question had belonged to the Abbey of Melrose from the time of King Malcolm the Fourth, when Osulf, son of Uchtred, granted the territory for the benefit of his own soul, and those of King David the First and Prince Henry.[1] The gift was confirmed by various successive kings, Malcolm the Fourth, William the Lion, and Alexander the Second, and now the Earl of Douglas, as Lord of the barony of Cavers, in which the lands lay, regranted them according to the boundaries laid down in Osulf's charter. The grant was so ample that the Earl and his heirs were to exact from the monks nothing at all for ever, save their prayers.[2] The charter contains the usual warrandice, but for some reason, probably the English encroachments on Teviotdale, the Earl executed a separate and special warrant in favour of the monks. By this writ he directed his bailie in that neighbourhood, Sir William of Gledstanes, to defend and protect the rights of the abbot and convent in the privileges and easements which pertained to them as owners of the lands of Ringwood.[3] This document is dated 24th April 1360, and may have been granted at the personal solicitation of the abbot, as it is given under the Earl's seal at the Abbey of Melrose.

To the lands of Ringwood the Earl added, by a charter which is not dated, but which probably was granted about this time, the neighbouring lands of Penangushope and Lower Caldcleuch. These lands lay adjacent to, and further south than the lands called Ringwood, and formed, it is believed, the most southerly portion of the territories of the rich Abbey of Melrose. This new grant was made for the special purpose of providing masses for the soul of Sir William Douglas of Lothian, the "Knight of Liddesdale," whose death at the hands of the Lord of Douglas has already been narrated. The Knight's body was buried in the Abbey of Melrose, in front of the altar of Saint Bridget,[4]

[1] Liber de Melros, vol. i. pp. 9, 10. [2] *Ibid.* vol. ii. p. 428. [3] Vol. iii. of this work, pp. 21, 22.
[4] Registrum de Neubotle, pp. 100, 101; Liber de Melros, vol. ii. p. 463.

and the monks of Melrose, and their successors for ever, were to provide one of their number regularly to celebrate mass before that altar for the soul of the Knight of Liddesdale and others.

About this time also the Earl of Douglas granted further alms to the Abbey of Melrose, by bestowing upon them, for the benefit of his own soul and the souls of his ancestors and successors, the whole right of patronage and advowson of the church of Great Cavers, in the shire of Roxburgh. The Earl in this grant describes himself as Lord of Liddesdale, but it does not appear that Cavers was a part of that territory. In a duplicate of the charter the Earl designs himself lord of the barony of Cavers, and the gift was ratified by his brother-in-law, Thomas, Earl of Mar, who had an interest in the barony. It was duly confirmed by King David the Second, Douglas himself witnessing the royal charter,[1] while the Bishop of Glasgow also added his confirmation of the church to the monks for their own use, after the death or demission of the then rector, reserving the canonical obedience of the Abbot and his successors as rectors, with other conditions.[2] For some time afterwards the Earl continued to interest himself on behalf of the monks, and made repeated requests to the Bishop of Glasgow to give them immediate possession of the benefice, and reserve the rector's rights, which the Bishop granted, both on account of his own confirmation and also because, as he himself asserted, "according to law it is of little use to any one to have anything adjudged to him unless he enjoy corporal possession of it." He accordingly issued his mandate for the induction of the Abbot of Melrose into possession of the church of Cavers.[3] It would appear, however, that notwithstanding these and other grants in their favour by kings, bishops, and earls, the monks obtained no actual or peaceable possession of Great Cavers

[1] Liber de Melros, vol. ii. pp. 429-433. The charters by the Earls of Mar and Douglas are not dated. The king's is dated at Edinburgh, 10th January 1360.

[2] Liber de Melros, vol. ii. pp. 433, 434.

[3] *Ibid.* p. 435.

for a considerable time, and it was not until more than one application had been made to the Papal See that, in 1406, they obtained full possession. In one petition to the Pope the monks assign an occupation by the English as one reason why Cavers was of no use to the Abbey.[1]

In this year also (1360) the Earl of Douglas seems to have held a Justiciary Court at Edinburgh. At a later date, after the accession of King Robert the Second to the throne, the Earl held the appointment of Justiciary of Scotland south of the Forth.[2] Whether he occupied this important office under David the Second is not clear, but in the account rendered to Exchequer by the Chamberlain of Scotland for the year ending June 1361, is an entry of the sum of £8, 10s. as part payment to the Earl of Douglas of the expenses of his Justiciary Court held at Edinburgh, probably during 1360, but no date is recorded. Another judicial appointment which the Earl of Douglas received, and which was bestowed on him by David the Second, was the sheriffship of Lanark.[3] He held this office under a separate commission, as it was not included in the charter of 1354, which conferred the leadership of the men of the Upper Ward of Clyde. Besides the charters granted by the Earl of Douglas to the Abbey of Melrose and his Justiciary Court, his movements during the remainder of 1360 can be traced only by the royal charters to which he was a witness. These show that he was with the king at Stirling in March, in Edinburgh during May and August, and at Perth in October.[4] While in Edinburgh in May the Earl also witnessed a charter by Thomas (Stewart), Earl of Angus, who was then in Scotland, though in the previous March he had been summoned by the English king to fulfil his engagement as hostage for the King of Scots.

[1] Liber de Melros, vol. ii. pp. 481, 527-530.
[2] Exchequer Rolls, vol. ii. pp. 394, 462.
[3] Robertson's Index, p. 63, No. 45.
[4] Registrum Episcopatus Brechinensis, vol. i. p. 16; Antiquities of Aberdeen and Banff, vol. iii. p. 293; Liber de Calchou, p. 399; Registrum Honoris de Morton, vol. ii. pp. 56, 57.

Angus, however, delayed or refused to surrender himself, and some time later, being implicated in the murder of Catherine Mortimer, a damsel who lived in a questionable relation with King David the Second, was imprisoned in Dumbarton Castle, where he died.[1]

In January of the following year, the Earl of Douglas was with the king at Linlithgow and Edinburgh. That same month he received a safe-conduct to pass into England, and on the same day similar writs were issued to the Bishops of St. Andrews and Brechin, the Earl of March, Walter Wardlaw, archdeacon of Lothian, Sir Robert Erskine, and others,[2] who were apparently the companions of Douglas on his journey southward. Douglas and March may have been fulfilling their engagements as hostages, but the bishops and Sir Robert Erskine were sent on a special mission of negotiation. The Scottish nation found the payment of their king's ransom-money a serious burden, and had applied to France for help, but any hope of aid from that quarter was frustrated by the treaty of Bretigny. In that treaty between England and France it was agreed that the French should retire from every alliance they had with Scotland, while the English renounced their alliances with Flanders.[3] From the Chamberlain's account already quoted, it would appear that the Bishop of St. Andrews and the other envoys were engaged at London and York endeavouring to effect a treaty with England, and a considerable sum was disbursed for their expenses.[4] The sum of £80 was also paid to the Earl of Douglas by the king's command, but no cause is assigned for the payment. He may have taken part in the negotiations, though there is no evidence of the fact, and he was again in Scotland by the 17th of April, being with the king at Perth at that date, and also in the beginning of May.[5]

[1] Memorials of the Montgomeries, by William Fraser, vol. ii. p. 4; Exchequer Rolls, vol. ii. pp. xlvii, 168.

[2] Rotuli Scotiæ, vol. i. p. 853.

[3] 8th May 1360. Fœdera, vol. iii. pp. 487-493.

[4] Exchequer Rolls, vol. ii. p. 77.

[5] Registrum de Dunfermelyn, p. 269; Cartularium de Levenax, p. 4.

In April of the following year, 1361, the Earl of Douglas appears at Edinburgh as a witness to various charters granted by the king and others. One of these charters was intended to benefit the Earl himself. A loyal and pious burgess of Edinburgh, John of Allyncrum (or Ancrum), founded a chaplainry in the parish church of St. Giles, and bestowed his lands of Craigcrook, near Edinburgh, for its maintenance. This chaplainry was for the spiritual weal, not only of the granter himself and his spouse and their kin to the remotest generation, but the chaplain was to pray for the dead King Robert Bruce and his wife Elizabeth, and also for the living King David, for William, Earl of Douglas, his spouse Margaret, and Sir Archibald of Douglas (Lord of Galloway), as long as they remained in the flesh, and for their souls when they died. This charter was confirmed by King David the Second on 1st May 1361, and was, with other documents of an earlier date affecting the same lands, witnessed by Douglas.[1] The only other reference to the Earl at this time is an entry in the Exchequer accounts for 1362, to the effect that he purchased certain armour for the use of the king. For this he was repaid £24, which sum was certified by the royal chamberlain.[2]

Between the date of the charters above referred to and the spring of 1363, the Earl of Douglas raised his banner in insurrection against his sovereign. A contemporary chronicler states that an immediate cause of offence was a quarrel which arose between King David the Second and Thomas, Earl of Mar, the brother-in-law of Douglas. The king seized Mar's castle of Kildrummy, and placed it in the custody of Sir Walter of Moigne. This probably roused the ire of Douglas, but it would appear that the true cause of insurrection was not the injury done to his brother-in-law, but the king's misgovernment. Douglas seized the castle of Dirleton, then in the king's hands, placed a garrison there, and from that stronghold entered into a bond

[1] Charters of St. Giles, pp. 8-13. See also Registrum Episcopatus Glasguensis, vol. i. p. 265.

[2] Exchequer Rolls, vol. ii. p. 90.

with the Steward of Scotland and Patrick, Earl of March. They forwarded to the king a petition bearing their seals, complaining that he had violated the conditions to which they were sworn to the king of England in regard to paying the ransom of their sovereign; that the money was levied from the commons, and expended by bad advisers; and the complainers demanded amends to be made by a better government.[1]

Fordun describes this petition as unjust, and states that the magnates had formed the design of bending the king to their will, or banishing him. They took arms to gain their ends through force or fear, imprisoned the king's adherents, and fell upon towns, burghs, and the whole country in a hostile manner, dividing the spoils, in order that the king might compassionate the woes of the people, and so incline to their wishes.[2] This is probably a somewhat prejudiced view, as, according to a recent writer, the Exchequer Rolls still preserved show that there were substantial grounds for the complaint that the sums collected for the king's ransom were mainly absorbed by his private and personal expenses.[3]

King David the Second, however, was by no means disposed to accede to the petition, and as the complainers had actually taken up arms, he assembled his adherents and marched against them. One skirmish took place at Inverkeithing, in which the Earl of Douglas was the leader, as at a later date the bailies of that burgh, in their accounts with the Exchequer, were allowed the sum of twelve shillings taken from them, with other goods, by the followers of the Earl of Douglas, when he invaded that town by night.[4] The author of Scalacronica states that this attack was made on a party of troops

[1] Scalacronica, pp. 202, 203.

[2] Fordun, edition 1871, vol. i. p. 381.

[3] Exchequer Rolls, vol. ii. preface, p. xlix. There is evidence in existence which seems to prove that King David Second was at this time already under the influence of Margaret Logie, whom he afterwards married, and to whom the Steward and the Earl of Douglas were greatly opposed.

[4] Exchequer Rolls, vol. ii. p. 154.

advancing to join the king under the Earl of Angus;[1] but it is doubtful whether at this time he was not a prisoner in Dumbarton Castle. The Earl of Douglas, however, was himself surprised by a night attack, led by the king in person, who, mustering his forces at Edinburgh, advanced to Lanark, where Douglas was, so rapidly and unexpectedly, that the Earl escaped with difficulty, some of his adherents being taken. The king's promptitude thus brought the insurrection to a close; the Steward and his two sons renewed their oath of fealty at Inchmurdoch, on 14th May 1363; and the Earls of Douglas and March also made their submission.[2] From that date onward during the year 1363 Douglas is found in attendance on the king, with the Steward and Earl of March.[3]

In the end of the same year the Earl of Douglas set out on a visit to the tomb of Thomas à Becket at Canterbury,[4] and was absent from a very important meeting of the Scottish Parliament at Scone, on 4th March 1364. At that assembly King David the Second laid before the Estates a proposal which had been the subject of conference between himself and the English king and Council at London in the preceding November.[5] This treaty, for the proposal was drawn up in that form, stipulated that failing heirs-male of King David, after his decease the English king should succeed him as King of Scotland. It is said that David proposed to the Estates as their future king, not Edward the Third himself, but one of his sons, Lionel. The suggestion was gilded by a provision that the ransom would be remitted, in the hope, no doubt, that relief from a heavy tax might make the new treaty more pleasing to the Scots. But the scheme was indignantly rejected

[1] Scalacronica, p. 203.

[2] *Ibid.*; Fordun, à Goodall, vol. ii. p. 369.

[3] Charters of Holyrood, p. 95; Memorials of the Montgomeries, by William Fraser, vol. ii. p. 3; Registrum de Dunfermelyn, pp. 270, 271.

[4] Rotuli Scotiæ, vol. i. p. 879. Safe-conduct dated 13th December 1363.

[5] Acts of Parliaments, vol. i. pp. 492-495; Fœdera, vol. iii. pp. 715, 716.

by the Scottish Parliament, who declared that no Englishman's son should rule over them, when the lawful heirs were brave men and fit to reign.[1]

Though the Earl of Douglas was not present in this Parliament, his name was mentioned in the scheme proposed by the king, one clause providing that he should be restored to the estates in England to which his father or uncle had right, according to any charters in his possession, or that he should receive an equivalent in a suitable place. This stipulation does not infer that Douglas was privy to the treaty. There is no evidence that he was in England while it was drawn up at Westminster, and the clause affecting the Earl was probably inserted either for the purpose of procuring his assent to the treaty, or as a balance against certain provisions for compensation to the Earl of Athole (David of Strathbogie) and other disinherited Scoto-English barons who had been deprived of their lands in Scotland.

According to Bower, who is followed by Lord Hailes and later historians, the insurrection already referred to was the result of the unpatriotic proposals made by King David to this Parliament. But this is a mistake. Through the discovery of records which were unknown to Lord Hailes, it is proved that the insurrection preceded the Parliament by some months, and had not therefore its origin in resentment at the king's proposals. Indeed, it seems probable that the treaty was suddenly concluded by King David in his anger against the rebellion of the Steward and his sons, who were the heirs-apparent to the throne.

Although the Scottish Parliament thus firmly refused to alter the destination of the succession to the Crown, yet, in the interests of peace, concessions were proposed. Ambassadors were despatched southwards to carry on negotiations, who entered England in July 1364,[2] and in the following January the Parliament again assembled at Perth to hear their

[1] Wyntown's Cronykil, B. VIII. c. xlv. ll. 135-150; Fordun, à Goodall, vol. ii. p. 366.

[2] Rotuli Scotiæ, vol. i. p. 884.

report. It was then agreed to restore the disinherited lords, and to settle the Isle of Man and lands of a thousand pounds yearly rental in Galloway, the inheritance of the Baliols, on a younger son of the English king. These conditions were to be met by a total remission of the ransom due to England, but if these conditions were not accepted, the Estates avowed their determination to pay the ransom, if proper intervals of payment were allowed. These concessions were made from a sincere desire to continue the peace between the two kingdoms; and the proceedings of the Parliament concluded by the assembled prelates, nobles, and burgesses swearing on the gospels that they would with their whole power put down any one who should contravene in any way the resolutions thus expressed by the community.[1] To this Act the seals of those present were attached, and though the Earl of Douglas was not with them, he, a few weeks later, gave his full consent to the proceedings, took the oath and affixed his seal to the Act in presence of the king himself at Edinburgh. No date is given, but it was probably towards the end of the following month, when the king confirmed certain grants of land to which the Earl of Douglas was a witness.[2]

The Earl remained in Scotland during the next few months, and was in his place in a Council held at Perth in July of the same year, when the same important subject was discussed. In conformity with their instructions, the Scottish ambassadors again sought the English Court, and the result was a treaty proposing a truce of twenty-five years, and the payment of £100,000 sterling into the English Exchequer in full of all ransom. A short probationary truce of four years' duration was meanwhile to take effect, terminable upon six months' notice by either party. The treaty was ratified by King David the Second at Edinburgh on 12th June, and by the English on 20th June 1365.[3] The Scottish Parliament met a month later to consider

[1] Acts of Parliaments, vol. i. pp. 495, 496. [2] *Ibid.* pp. 526, 527.

[3] *Ibid.* Supp. vol. xii. pp. 12, 13; Fœdera, vol. iii. p. 770.

the subject of a long-continued peace. The record of its proceedings has not been fully preserved, but from the fragment still extant, it would appear that, as one of the bases of a final peace between the two countries, the English king had stipulated for military assistance from Scotland. He required that in the event of England being invaded by foreigners, the Scots should furnish forty men-at-arms and six hundred archers, to be paid by England. As an alternative, it was proposed that the King of Scots should assist the English king in his wars against Ireland with a body of troops, for three months yearly during five years. In return, England was bound to aid Scotland with an auxiliary force if necessary. These concessions the Scottish nobles consented to make for the sake of peace, unless their commissioners succeeded in obtaining better terms.[1] This hope, however, was not realised, as the English monarch increased his demands in proportion as the Scots appeared willing to make concessions.

Another meeting of Parliament was held at Holyrood on the 8th of May 1366, in which it was declared that the English king's proposals as to the homage, succession, and other matters, could not possibly be entertained, and that rather than submit to terms so degrading, the Scots would make the utmost sacrifices to raise the ransom-money within the four years of the truce.[2] The fragmentary condition of the Records of Parliament renders it impossible to state whether the Earl of Douglas was present on this occasion. He was present, however, at a later Parliament, which met at Scone in the month of July,[3] as he witnessed at that place and date a charter by King David the Second to John of Logie.[4]

The proceedings of this Parliament were of the utmost importance. The extravagant habits of David the Second and his new queen, the expenses of negotiations with England, and the unpaid balance of the king's ransom

[1] Acts of Parliaments, vol. i. p. 497. [2] *Ibid.* [3] *Ibid.* pp. 498-501.
[4] The Red Book of Grandtully, by William Fraser, vol. i. pp. 131, 132.

money, entailed a load of debt upon the nation which bore very heavily upon all ranks. Yet though bankruptcy and the probability of renewed war with England were imminent, the Scottish prelates, nobles, and burgesses met their difficulties bravely, and planned new sacrifices. The whole lands in the kingdom, including the Church lands, were appointed to be valued, and a contribution of 8000 merks was to be levied on the gross rental, to pay the royal debts and expenses, and also the charges of negotiation. It was ordained that, until the return of the commissioners, the £4000 annually due as ransom-money should be paid out of the great customs. After their return, that sum was to be provided out of the general tax on the whole kingdom, and from the same fund 2000 merks were to be given for relieving the king and paying the commissioners' expenses. This last sum, however, was required at once, and it was immediately borrowed from the three Estates as follows: From the barons, 1000 merks; from the clergy, 600 merks; and from the burgesses, 400 merks.

On the other hand, to compensate in some measure for the heavy burdens and sacrifices thus exacted from the community, it was expressly proclaimed that justice was to be administered impartially to every subject; that the sums to be paid for ransom-money and other expenses named should be put to no other use; that the Church should be protected, especially in regard to tithes; that nothing was to be taken from the commonalty for the use of the king without prompt payment; while regulations for the conduct of sheriffs, barons, and others travelling, the number of their retinue, and other similar enactments were made, all tending to promote the comfort of the lieges. These measures show how anxious all parties in the kingdom were to secure peace with England without sacrificing the national independence.

The Earl of Douglas remained in Scotland for some time after this Parliament. In October of the same year he received a safe-conduct to proceed into

England,[1] but he seems to have returned thence or to have postponed his journey, as he was with the king at Edinburgh in December,[2] and at Perth in the following January.[3] A recent historian, referring to this and other safe-conducts granted about the same time and in similar terms, permitting the bearers to pass through England or beyond sea, takes occasion to condemn the Earl of Douglas for deserting his country at this juncture.[4] It is true that at a later date, as will appear, the Earl absented himself from Parliament, but the charge made against him can scarcely be sustained. It does not appear that he used the safe-conduct, and if he did, he must have returned to Scotland some time before it expired, as he was present at an important conference held on the Borders in September 1367.

At this meeting Douglas was one of those specially commissioned to act on behalf of the Scots, and confer with the commissioners of the English king as to the state of affairs on the Marches. The English were represented by Thomas Beauchamp, Earl of Warwick, the Lord of Gower, Marshal of England, the Lord of Percy, and Sir Henry Percy, his eldest son, while the Bishops of St. Andrews and Glasgow, the Earls of March and Douglas, with Sir Robert Erskine, Sir Walter Lesley, Sir Walter Haliburton, and Sir Hugh Eglinton, represented the Scots.[5] The meeting is said to have been conducted with many altercations and debates ("pluseurs altercations, disputees, ca et la"), but an agreement was at last come to. The first article was that the conditions of the grand truce made at the liberation of the King of Scots should in all points be firmly maintained, while the second clause provided that the enclosed lands, of which mention was made, should be left in the state they were on the day of meeting, without depriving the princes

[1] Fœdera, vol. iii. p. 808. 13th October 1366, to endure for a year.

[2] Registrum Honoris de Morton, vol. ii. p. 63.

[3] Registrum Magni Sigilli, vol. i. pp. 50, 51, Nos. 150, 152.

[4] Tytler's History of Scotland, vol. ii. p. 86.

[5] Fœdera, vol. iii. p. 831.

of their claims, or the owners of their possessions, as well those now inhabited as those then inhabited, the profits being shared according to agreement; so that no one should fix himself in a new possession on one side or the other until Candlemas next, when the King of Scots or the Scottish Wardens should be certified of the King of England's pleasure. Then follows the appointment of wardens on both sides for the East and West Marches of both countries, succeeded by minute regulations for the apprehension and punishment of offenders, and other details immediately affecting the Borders alone. The conference lasted four days, beginning at Moorhouselaw on the 1st, and ending at Roxburgh on the 4th of September 1367.[1]

Though the Earl of Douglas was a special commissioner at the conference just narrated, in the records of a Parliament held at Scone about three weeks later, he and the Earls of March and Ross are expressly declared to be contumaciously absent,[2] and it is certain that a month afterwards he had a safe-conduct to pass through England.[3] The Earl's behaviour, however, does not indicate any desire on his part to desert his country, as has been alleged, for he was present in Parliament at Scone in February 1368.[4] It rather shows his continued dissatisfaction with the conduct of the king and his queen, Margaret of Logie, who, notwithstanding the sacrifices made by the Scottish nation to pay the king's debts, maintained an undue extravagance, for which the Estates were now met to devise remedial measures.

It is possible that Douglas objected to the measures proposed, but the immediate cause of his absence from the Parliament was his partisanship with the Earl of March, who had a special grievance. As formerly stated, the Steward of Scotland, and the Earls of March and Douglas headed a party

[1] Fœdera, vol. iii. p. 831; Acts of the Parliaments of Scotland, vol. xii. pp. 14, 15.

[2] *Ibid.* vol. i. p. 501. 27th September 1367.

[3] Fœdera, vol. iii. p. 833.

[4] Acts of Parliaments, vol. xii. p. 16.

which was strongly opposed to the queen and her faction. The Steward, from his position, could not well absent himself from Parliament, but the other complainants did so, their chief reason probably being the grant of Annandale made in the previous year to John of Logie, the king's step-son.

The document narrating the bestowal of Annandale is somewhat remarkable. It is a letter by various Scottish dignitaries and nobles, including the Steward and the Earls of March and Douglas, in which they consent to the king's charter to John of Logie, and promise for themselves and their heirs to do nothing in contravention of the deed.[1] The lordship of Annandale thus granted was then wholly, or almost wholly, in the hands of the English,[2] but it is described as the same lands which King Robert Bruce bestowed on his nephew, Sir Thomas Randolph, Earl of Moray. Annandale, therefore, as well as the earldom of Moray, was claimed by Patrick, Earl of March and Moray, who had married Randolph's daughter, and his right to the lands would have revived on the expulsion of the enemy.[3] The gift of this territory to John of Logie was therefore an act of great injustice. It is true that the Earl of March outwardly consented to the grant, but though he restrained his resentment at the time, he could not but feel deeply indignant, and this sentiment was evidently shared by the Earl of Douglas.

The Earl of Douglas was in Scotland in February 1368, and witnessed a charter to the Abbey of Cambuskenneth.[4] He was at Cavers on the 19th of May,[5] while he is not named as present in the Parliament which met at Scone from the 12th to the 22d of June following, though on the 4th of July

[1] Red Book of Grandtully, by William Fraser, vol. i. pp. 132*, 133*. This writ is said to be executed in presence of the king, in full Parliament at Scone, on 26th July 1366.

[2] Acts of the Parliaments of Scotland, vol. i. p. 499.

[3] It may be stated in passing that the gift of Annandale to Logie never had any real effect. After the accession of King Robert the Second, the Earl of March is again described as Lord of Annandale, though the territory was long under English rule.

[4] Acts of Parliaments, vol. xii. p. 16.

[5] Liber de Melros, p. 436.

he was with the king at Stirling.[1] In the Parliament referred to, the principal topics were the dissensions among the nobility, the rebellious state of the Highlands and Islands, and depredations on the Marches. The Steward of Scotland, as Lord of Strathern, his sons, the Lords of Kyle and Menteith, and the Earl of Mar, were expressly enjoined to protect the lieges against marauders from their domains, one of the chief offenders being John of Lorn, the Steward's son-in-law. As to disorders on the Marches, the king was advised to hold counsel with the Earls of March and Douglas, as Wardens on the East March, although, it is significantly added, they may not presently be well disposed to the labour. By their advice wardens were to be speedily and prudently appointed.[2] Shortly after this Parliament the Steward was imprisoned in Lochleven Castle, apparently at the instance of Queen Margaret.[3] It has been suggested that the parliamentary proceedings at this time indicate a disposition on the part of King David the Second to throw the blame of complicity in the disorders of the kingdom upon the Steward and the Earls of March and Douglas, the leaders of the party opposed to the Queen.[4] If this suggestion be well founded, and there is much to warrant it, the fact so stated would satisfactorily account for the continued absence from Parliament of the Earls of March and Douglas, and certainly their hostility would not be lessened by the incarceration of the Steward.

That incarceration, however, was not of long duration, and after the Steward was set at liberty, the Earl of Douglas seems to have still attended at Court, though absent from meetings of the Estates. A month after the meeting of Parliament, the Earl and the Steward were witnesses together of a royal charter granted at Edinburgh.[5] Towards the end of the year the Earl's attendances on the king were more constant, as he is found

[1] Acts of the Parliaments of Scotland, vol. i. pp. 503-506, 531, 532.

[2] *Ibid.* pp. 503, 504.

[3] Fordun, à Goodall, vol. ii. p. 380.

[4] Exchequer Rolls, vol. ii. preface, p. lxii.

[5] Red Book of Grandtully, vol. i. p. 135.*

witnessing several charters at Dundee in the end of November 1368,[1] at Perth in December,[2] and at Edinburgh in January and February of the following year.[3] This continued attendance on King David may be attributed to the fact that Queen Margaret's influence was, from various causes, beginning to wane,[4] and that the Steward was again in favour, as he appears as a witness along with Douglas.

But though the Earl attended at Court, he was not in his place in the Parliament which assembled at Perth on the 6th of March following. He was, however, numbered among those who were excused for legitimate reasons, and was represented by a procurator. The latter, in the Earl's stead, was appointed one of a committee set apart to treat of general business, the members being chosen from each of the three Estates, while permission was given to the remainder of the assemblage to return home.[5] The Parliament thus constituted had under its consideration, not only the troublous state of the Highlands and Isles, but also the continuation of the truce with England, which was now drawing to a close. It was determined to make an effort to obtain an extension of the truce, and ambassadors were despatched to England with instructions to that end.

Happily for Scotland, the course of political events in the south had changed. King Edward the Third had become embroiled with France, and was now as anxious to treat favourably with the Scotch envoys, as he had previously been to make insolent demands. The result was the arrangement of a fourteen years' peace between the two countries. On 20th July 1369, the King of Scots and his Council, at the castle of Edinburgh, ratified the

[1] Registrum Honoris de Morton, vol. ii. pp. 66, 67.

[2] The Scotts of Buccleuch, by William Fraser, vol. ii. p. 6.

[3] Registrum Honoris de Morton, pp. 70, 71; vol. iii. of this work, p. 22.

[4] She was divorced in March of that year, 1369. Exchequer Rolls, vol. ii. p. 346.

[5] Acts of Parliaments, vol. i. pp. 506, 507.

treaty of peace on behalf of Scotland, while the Earl of Douglas and other nobles, on their part, swore solemnly to adhere to and preserve it inviolate. By the treaty thus concluded, the sum of 56,000 merks was fixed as the amount of ransom still unpaid, which was to be liquidated by yearly instalments of 4000 merks, while the provisions of the treaty of 1365 were declared null and void.[1]

The Earl of Douglas had apparently about this time projected a journey into England, probably with his Countess, as they both received safe-conducts in the month of June, when the truce was first proclaimed.[2] There is no evidence, however, that the journey was made, at least by the Earl, who, as already stated, was present at the signing of the treaty. In the month of September also, the Earl was in Edinburgh and a witness to charters there.[3] At a later date, King David the Second set out on his northern expedition, directed against John of the Isles, who submitted at Inverness on 15th November.[4] It would appear that the Earl of Douglas accompanied the king to the north, as he witnessed royal charters at Montrose in the end of October, and again at Montrose and Perth in the beginning and middle of December of the same year,[5] and at Edinburgh in the succeeding January.[6]

Parliament assembled at Perth in February, and again the Earl of Douglas was represented only by a procurator, but as the proceedings, though important, do not bear on his personal history, they need not be referred to here. A month or two later, in April 1370, at Edinburgh, the Earl was a principal party in a transaction affecting the Douglases of Lothian or

[1] Fœdera, vol. iii. pp. 877-879. The treaty was ratified on the part of England at Westminster, on 24th August 1369.

[2] Rotuli Scotiæ, vol. i. pp. 931, 932.

[3] Liber de Melros, p. 407 ; The Scotts of Buccleuch, by William Fraser, vol. ii. p. 8.

[4] Acts of Parliaments, vol. xii. p. 16.

[5] Registrum Honoris de Morton, vol. ii. p. 75 ; The Scotts of Buccleuch, by William Fraser, vol. ii. p. 9 ; History of the Earls of Southesk, by William Fraser, p. 489.

[6] The Lennox, by William Fraser, vol. ii. p. 37.

Dalkeith.[1] This was a formal resignation by him of all lands which he held by any right in the barony of Dalkeith. This resignation is a somewhat important document, as, although there is no evidence of actual possession of the lands of Dalkeith by the Earl of Douglas, this writ shows that he either held or claimed to hold certain rights over that barony. The territory in question had belonged to the Knight of Liddesdale, and as he had no heirs-male, he, in 1351, entailed the baronies of Dalkeith, Newlands, and others, upon James, William, John, Henry, and Thomas, the sons of his elder brother, John Douglas.[2] The Knight of Liddesdale at his death in 1353, left only one child, a daughter and heiress, Mary Douglas, who died before 30th June 1367, when her cousin, Sir James Douglas, the eldest nephew of the Knight, was served heir to her in certain lands in the sheriffdom of Dumfries.[3]

The history of the barony of Dalkeith between 1353 and 1369 is obscure, though at the latter date Sir James Douglas seems to have been in possession, as he resigned the lands into the king's hands, and received a charter in favour of himself and his heirs.[4] A few months previously, he had received the royal licence to build and repair the castle.[5] The lands themselves had shortly before formed the subject of a keen dispute, in which a nice question of law was raised, under the following circumstances:—Mary Douglas, heiress of the Knight of Liddesdale, was twice married, first to Reginald More, son and heir of Sir William More of Abercorn, who divorced her; and secondly, to Sir Thomas Erskine, son and heir of Sir Robert Erskine.[6] By her second husband she became pregnant, and died immediately after giving birth to a

[1] Registrum Honoris de Morton, vol. ii. p. 72. [2] *Ibid.* p. 53. [3] *Ibid.* p. 64.

[4] *Ibid.* p. 75. 9th December 1369.

[5] *Ibid.* p. 69. 5th January 1369.

[6] On 30th June 1360, Sir William More paid to the Mayor of Newcastle £250, part of 675 marks to be paid for the marriage of Mary de Douglas, while on 30th November 1361, a further sum was paid for the delivery of the lady's person. [Original receipts in Public Record Office.] The Papal Dispensation for the marriage of Thomas Erskine and Mary Douglas is dated 29th November 1365. [Theiner's Vetera Monumenta, p. 330.]

child, whose survival was disputed. Sir Thomas Erskine claimed a liferent right to the lands of the Knight of Liddesdale, according to the courtesy of Scotland, on the plea that the child of his marriage with Mary Douglas had been born alive. James Douglas, the nephew of the Knight, contradicted this assertion and opposed the claim, declaring that the lands ought to be his by hereditary right. Instead of trying the question in the courts of law, it was arranged to be decided by a duel between the two claimants, to take place at Edinburgh in presence of King David the Second. By the intervention of friends and the special mediation of the king, the duel was stopped. Sir Thomas Erskine consented to receive a sum of money in lieu of his claims, and the whole lands of the Knight of Liddesdale thus remained in the possession of Sir James Douglas by hereditary right.[1]

Although this narrative does not throw any light on the claims of the Earl of Douglas to the barony of Dalkeith, it seems to show that Sir James Douglas's right to the lands was admitted to be hereditary, and forbids the supposition of an arbitrary invasion by the Earl. The Earl's resignation is in favour not of Sir James Douglas, but of the deceased heiress of the Knight of Liddesdale, and may have been deemed necessary to secure the right of Sir James to the barony, at whose instance it was immediately followed by a ratification from the king.[2] The Earl of Douglas may have exercised rights of tutory over the young heiress, or even over Sir James Douglas himself, as he was still unmarried.

If, as the deed of resignation seems to imply, William, Earl of Douglas, had certain rights over the barony of Dalkeith, he may have resided there for a time, and his doing so would afford the explanation of a passage in Froissart which has always perplexed historians.

In his account of the battle of Otterburn, Froissart twice states that in the early part of his life he made an expedition through Scotland, and

[1] Fordun, edition 1871, vol. i. p. 370, note. [2] Registrum Honoris de Morton, vol. ii. p. 72.

remained fifteen days at the seat of William, Earl of Douglas, at a castle five leagues (miles) from Edinburgh, called "Alquest" (Dalkeith), where he saw Earl James—of whom Froissart is speaking—a boy, a "faire yong chylde," and a sister of his called the Lady Blanche.[1] It has often been alleged that Froissart confuses the Douglases of Dalkeith with the family of William, Earl of Douglas, but here he may not be doing so. In another passage where James, second Earl of Douglas, is described as giving a rendezvous to certain French knights at his castle of Alquest or Dalkeith in 1385, there is an apparent confusion. But Froissart is then speaking from hearsay, not of his own knowledge.[2]

It may be noted that Sir James Douglas is nowhere designed Lord of Dalkeith until after the date of this resignation. Two and a half years later, the Earl of Douglas and the Lord of Dalkeith entered into a bond, whereby the latter bound himself to attend for life on the former with a retinue of eight men at arms and sixteen archers, the Earl paying a sum of 600 merks sterling.[3] But whether this agreement rose out of feudal or personal considerations cannot be clearly proved.

A month after his resignation of the lands of Dalkeith, the Earl of Douglas witnessed a grant by the king in favour of Sir James Douglas, of the lands of Lathis, in the barony of Buittle, which the Earl had bestowed on the monks of Sweetheart Abbey or New Abbey, in Galloway. This donation, however, being made without the royal licence, the lands were now given to Sir James Douglas.[4] In October of the same year the Earl was present

[1] Froissart, Lord Berners' edition, vol. ii. caps. cxlii, cxlvii.

[2] *Ibid.* vol. i. cap. cccexlv. Froissart was in the service of Queen Philippa of England from 1361 to 1368, but between April 1366 and 1368 he was much in France. He was six months in Scotland, and travelled thither on horseback with his portmanteau behind him, and followed by a greyhound.—[Memoir prefixed to Johnes' edition of Froissart, 1848, p. xx.]

[3] Registrum Honoris de Morton, vol. ii. p. 101. 10th November 1372.

[4] *Ibid.* p. 73. 6th May 1370.

in the last Parliament of King David's reign. Of the proceedings of that Parliament no record remains, save a grant to William, Earl of Ross, of the whole earldom of Ross and lordship of Skye, which the Earl had resigned in full Parliament at Perth, on 23d October 1370, in presence of the Earl of Douglas and others.[1]

King David the Second died on 22d February 1371, and was succeeded by his nephew, Robert, High Steward of Scotland, who by the Parliament of 1318 had been declared next heir to the throne, failing male heirs of King Robert Bruce.[2] Shortly after the accession of King Robert the Second, the Earl of Douglas figured in an episode which, if it took place, has never been clearly explained. The historian John of Fordun, who was a contemporary, narrates nothing in his annals but the death of King David the Second and the accession and coronation of the Steward. Wyntown, however, writing somewhat later, states that the Steward was made king chiefly through the aid of Sir Robert Erskine, then Keeper of the castles of Edinburgh, Dumbarton, and Stirling. Erskine, it is said, in vindication of the king's right to the throne, marched to Linlithgow, where the Earl of Douglas was preparing to hinder or dispute the accession. It is further stated that the Earl of March and his brother John also advanced against Douglas, who was astonished at the number of his opponents. Sir Robert Erskine and the others then treated with Douglas, and arranged for a marriage between his son and one of the king's daughters, a marriage which soon afterwards took place. "Thus," writes Wyntown, "eftere a royd harsk begynnyng happynnyt a soft and gud endyng."[3]

This story, in the hands of later writers, receives additions and assumes

[1] Acts of the Parliaments of Scotland, vol. i. p. 537.

[2] *Ibid.* p. 465.

[3] Wyntown's Cronykil, B. ix. c. i. ll. 1-28. In 1373 a payment of £500 was made to the Earl because of the contract matrimonial between his son and the Princess Isabel. [Exchequer Rolls, vol. ii. p. 433.]

an entirely new form. Bower asserts that the three Estates, meeting at Linlithgow, began to treat as to their future king, when the vote of the assembly was given for the Steward. This decision was opposed by the Earl of Douglas, who alleged that through the Comyns or Baliols he himself had a claim to the throne. This claim was combated by the Earl of March and others, and Douglas perceiving that resistance was vain, by the counsel of the other nobles present, ceased his unadvised pretensions. A treaty was then made for the marriage, and Douglas submitted freely to the new monarch.[1] This is Bower's tale, and Hume of Godscroft enlarges upon it by giving the supposed steps of the alleged descent from the Comyns through Dornagilla, daughter of John Comyn, who is stated, but erroneously, to be the mother of the Earl of Douglas.[2]

There may have been some foundation for the story as told by Wyntown: he was born about the middle of the reign of King David the Second, and may therefore be supposed to know something of events which occurred during his own lifetime. Yet only a month elapsed between King David's death and the Steward's coronation, both which events took place in early spring, and thus there could barely have been time for mustering and marching bodies of troops to Linlithgow as described. Bower's statement that the Parliament met at Linlithgow to elect a king is absurd, in the face of the fact that the settlement of 1318 was well known, and rendered such a proceeding unnecessary. Moreover, the alleged descent from the Comyns or Baliols is now known to be mythical, there being no such person as Dornagilla Comyn known to history, while the mother of the Earl of Douglas was Beatrice Lindsay, daughter of Sir Alexander Lindsay of Crawford. The fact also that Douglas, up to this time, had been a warm friend and supporter of the Steward, while no abatement seems to have taken

[1] Fordun, à Goodall, vol. ii. p. 382.

[2] History of the Houses of Douglas and Angus, p. 86.

place in their friendship, renders the episode related by Wyntown all the more unaccountable.

The story of the Comyn descent has been again and again refuted, though frequently revived or founded on, even by recent historians, one of whom endeavours to show that the connection between Douglas and the Baliols was not wholly unfounded. He states that the Earl's wife, Margaret of Mar, was the daughter of Donald, Earl of Mar, and his wife Isobel Baliol, daughter of Alexander Baliol of Cavers, and niece of King John Baliol. It is then asserted that the titles of the Baliol family had at this time devolved on the Earl of Douglas.[1] This, however, is erroneous, as his brother-in-law, Thomas, Earl of Mar, the brother of Margaret, Countess of Douglas, and a comparatively young man, was still alive. He was the heir-male and representative of the long descended Earls of Mar, in full possession of their extensive territories, and of great power and influence. Any claim which could have been made on behalf of the Earl of Douglas could not have availed him in the lifetime of his brother-in-law, and no historian refers to any right in the children of Douglas. Adopting the narrative of Wyntown, Mr. Tytler endeavours to give it a greater air of probability by stating that "the promptitude of Sir Robert Erskine was rewarded by the gift of three hundred and thirty-three pounds, an immense present for that time; whilst the services of March and Moray and of Sir Thomas Erskine, were proportionally acknowledged and requited."[2] The Chamberlain Rolls quoted in proof of this do not bear out the statement. Sir Robert Erskine certainly received the sum named and more, but not until three years later, and evidently in return for giving up the custody

[1] Tytler's History of Scotland, vol. ii. p. 536. Notes, Letter M. The statement that the wife of Donald, Earl of Mar, was Isobel of Baliol is erroneous. Her name was Isabel Stewart. *Vide* Fœdera, vol. ii. p. 1019.

[2] Tytler's History of Scotland, vol. ii. p. 323, and note.

of Stirling Castle to Robert, Earl of Menteith. Any payments made to the others are of insignificant amount, and have no relation to the affair of Douglas.[1]

It is possible, indeed, to say, as is done by a still more recent historian who also favours the narrative of the Comyn descent, that "for such a tradition holding influence, it is not necessary to suppose that the genealogy on which it rested was true—it suffices that it was believed."[2] But while this may be true of the house of Douglas in later days—that such a tradition might feed their ambition,—it could not apply to the first Earl of Douglas, who must have known who his own mother was. Wyntown, on whose narrative all this is based, knew that Sir David Lindsay of Crawford was the Earl's uncle,[3] and no one could remind Douglas of his parentage better than his own stepfather, Sir Robert Erskine, who married the Earl's mother after the decease of her husband the Regent.[4] The conduct of Douglas at Linlithgow, therefore, if it be correctly reported, must have had some other motive, or it may be that Wyntown has mistaken the order of events. Boece, who follows Bower's version rather than Wyntown's, differs from both in making the negotiations for the marriage after instead of before the coronation, and this may be the more accurate sequence of events, as the marriage appears not to have taken place until nearly two years later.

Whatever it was, the affair was so transient as to leave no impression upon the records of the time, and made no change in the Earl's friendship for King Robert the Second, who was crowned at Scone on 26th March 1371. On the following day he sat, according to custom, enthroned on the hill of Scone, and among the throng of prelates and nobles who then pressed forward

[1] Exchequer Rolls, vol. ii. pp. lxxxi, lxxxii, Preface, and pp. 364, 394, 433, 555, 604.

[2] History of Scotland, by John Hill Burton, vol. ii. p. 418.

[3] Wyntown's Cronykil, B. viii. c. xli.

[4] Old Genealogical History of the Erskines, Earls of Mar, in Mar Charter-chest; Mar Peerage Evidence, p. 515.

to swear fealty to the new sovereign came the Earl of Douglas, who paid his homage and took the oath of allegiance with the rest. This ceremony over, later in the same day he joined in the unanimous vote which secured the succession to John, Earl of Carrick, the eldest son of the king.[1] A few weeks later, Douglas formed one of the Privy Council who met to consider as to the state and manner of living of the king and queen, the ordering and government of their households, and the maintenance of their castles.[2] He also witnessed various charters at Edinburgh. In this year also the Earl was appointed Justiciary of Scotland south of the Forth, at an annual salary of £200.[3]

There is little information as to the movements of the Earl of Douglas during the following year. He was with the king at Perth in June, and at Edinburgh towards the close of the year.[4] He was present in the Parliament which met at Scone on 2d March 1372, and he witnessed the confirmation of a charter by the Earl of Ross, confirmed by King Robert in full Parliament.[5] Another incident of this year was the entering by Douglas along with the Earl of March, as Wardens of the East Marches, into an indenture with the Bishop of Durham and Henry, Lord of Percy, at Lyliot Cross, on the 18th October.[6] The terms of this indenture are not preserved, but they appear to have referred to informalities in the receipts given by King Edward the Third for the instalments of the late King David's ransom. The English king refused to bestow the royal title upon King Robert the Second, which caused much annoyance in Scotland, and although the Scotch Commissioners who paid the money remonstrated, it was to no effect.[7]

The English Border wardens were at this time instructed to keep their

[1] Acts of the Parliaments of Scotland, vol. i. pp. 545, 546.

[2] *Ibid.* p. 547. 3d May 1371.

[3] Exchequer Rolls, vol. ii. pp. 394, 462.

[4] Registrum Honoris de Morton, vol. ii. pp. 104, 105.

[5] Acts of the Parliaments of Scotland, vol. xii. p. 18.

[6] Robertson's Index, p. 109.

[7] *Ibid.*; Rotuli Scotiæ, vol. i. p. 953.

men at home, armed and in readiness to resist invaders,[1] the knowledge of which irritated the Scots, and quarrels and debates arose between the Earl of Douglas and Henry Percy. Commissioners were appointed on both sides with a view to pacification and securing the integrity of the truce, but the result of their labours is not known.

In April of the following year the third Parliament of King Robert the Second's reign met at Scone. The record of the proceedings is very meagre; but one important Act has been preserved, that by which the right to the throne of Scotland was entailed upon John, Earl of Carrick, and his four brothers, the surviving sons of the king, and their heirs-male respectively.[2] To this document the Earl of Douglas appended his seal, while he swore to observe its provisions.

On the 24th of the same month of April, the Earl of Douglas was one of several arbiters who decided a dispute of long standing between the Abbey of Paisley and Sir William More of Abercorn. Two days after the settlement of this dispute, the Earl of Douglas granted a document in favour of King Robert the Second, which is of considerable interest as the first known document which connects the Douglases with the barony of North Berwick. There is no clear evidence as to when or how the Douglases entered upon the possession of that barony and its great stronghold of Tantallon, with which their name was afterwards so closely associated in song and story. The history of the barony itself is obscure. The Earls of Fife were the founders and patrons of the Nunnery at North Berwick, which was in existence before the year 1177,[3] and it is probable they were the lords of the barony if not the builders of the castle. In the third

[1] Instructions by King Edward III., 6th August 1372. Rotuli Scotiæ, vol. i. p. 951.

[2] Acts of the Parliaments of Scotland, vol. i. p. 549.

[3] Carte de North Berwic, Bannatyne Club, 1847, pp. 4, 5. Maioris Historia, Ed. 1740, p. 146. John Major was born in North Berwick.

year of his reign, King Robert the Second confirmed a grant by Isabella, some time Countess of Fife, affecting the lands of Sydserf, in the barony of North Berwick.[1] The Countess, who was apparently still alive, had two years previously resigned the earldom of Fife in favour of Robert Stewart, Earl of Menteith, a son of the king, who shortly afterwards was created Earl of Fife, in addition to his title of Menteith.[2] In 1388, after the death of James, second Earl of Douglas, Robert, Earl of Fife and Menteith, represented in Parliament that the lands of North Berwick and castle of Tantallon were held of him in tenandry by the deceased Earl.[3] There seems, therefore, good reason to believe that the Earl of Fife and Menteith acquired the castle and territory as part of the ancient earldom of Fife.

At what date the Douglases obtained possession has not been ascertained. It is not improbable that the Earl of Douglas may, by the king's favour, have become castellan of Tantallon after the earldom of Fife came into the hands of Robert, Earl of Menteith, or the lands and castle may have been held from Isabella, Countess of Fife. On 26th April 1373, King Robert of his own will granted to the Earl of Douglas a free port at North Berwick for ships touching with merchandise and lading goods, so that custumars, a tronar, and tron for weighing wool may be there by the king's authority, as they have in other ports and burghs of the kingdom.[4] This does not imply that there was no port or harbour at North Berwick previously, for a harbour is referred to so early as 1177 as the southern port of the sea passage, of which Earlsferry formed the northern terminus. But King Robert the Second seems to have granted the customs of the port to the Earl of Douglas, who in return promises that if the concession made to him of the port and custom

[1] Registrum Magni Sigilli, vol. i. p. 99, No. 16. 30th June 1373.

[2] Resignation, dated 30th May 1371, printed in the Red Book of Menteith, by William Fraser, vol. ii. p. 251.

[3] Acts of the Parliaments of Scotland, vol. i. p. 555.

[4] Carte de North Berwic, pp. 27, 28.

should be found to be injurious to the king or the community, he will freely resign the same again in the hands of his sovereign. The Exchequer accounts record regular payments during the next few years, by the custumars of North Berwick to the king's chamberlain, but no mention is made of any concession to the Earl of Douglas, and it is probable that only his own imports and exports passed free.[1]

It was doubtless from North Berwick that the Earl made two sea voyages to which he refers pathetically in a graphic letter to the monks of Melrose, dated in June of the following year. As already stated, Douglas in 1363 bestowed the advowson of the church of Cavers upon the Abbey of Melrose, and the monks now accused the Earl of interfering with their right of patronage. From this charge he defends himself at some length, and with considerable warmth.

The Earl begins his defence by stating that because it is a pious and meritorious thing to bear witness to the truth, he declares that the Abbot and Convent of Melrose are the true patrons of the parish church of Great Cavers, both *de facto* and *de jure*, according to his own charter. They had already, he says, twice exercised their right of presenting, and no one of sane mind could say that he had interfered with their last presentation. At his request Mr. Alexander Caron,[2] the presentee of the monks, yielded his right and accepted another benefice, although of less value, which at the Earl's instance the Bishop of St. Andrews had conferred upon him, so that Mr. Matthew, the Earl's clerk, obtained the benefice of Cavers; but the Earl

[1] Exchequer Rolls, vol. ii. pp. 455, 498, 583, 619. In the same year the Constable of Linlithgow, James Douglas of Strabrok, in his accounts with Exchequer, stated that the freeholders and servants on the lands of the Earl of Douglas declared that they were not bound to furnish a contribution from their goods, but the ground of their refusal is not stated. The amount was 34s. 3d. *Ibid.* p. 422.

[2] Alexander of Caron, Clerk of Scotland, had, on 10th November 1373, a safe-conduct from Flanders through England to Scotland. —Rotuli Scotiæ, vol. i. p. 960.

had not done this in prejudice of the monks' presentation. Nor, as the Bishop had otherwise nothing to do with the matter, had the Earl cared to attempt, without necessity, such labour as travelling twice from Tantallon to St Andrews in no small peril of sea, if he had not done it for the sake of peace—Alexander Caron being a relation of the Bishop's—and with no desire to annul the monks' presentation. The Earl further protests that neither at the first vacancy of the church had he presented any one, though in his power, nor had he on the second occasion molested the presentee of the Abbey while he lived; he repudiated such interference, either by word or deed, as a grave scandal, contrary not only to the right of the monks, but to the terms of his own grant, which would be absurd. He concludes by an allegation in presence of his Council and faithful witnesses, that he and his heirs will never molest nor disturb the abbot and convent, nor permit them to be disturbed in their right of patronage of the benefice in question.[1]

This spirited and somewhat indignant epistle, in which the Earl is styled Earl of Douglas and Mar, was written on 21st June 1374 at Tantallon, where the roar of the sea and the remembrance of its perils evidently influenced the Earl's remonstrance. At a later date, in 1402, at the request of the then Abbot of Melrose, who exhibited the Earl's letter of obligation before King Robert the Third and his Council, it was inspected, transcribed, and certified by the king under his privy seal.[2]

The next few years, from 1373 to 1377, in the history of Scotland were comparatively uneventful, and but few public events are recorded in which

[1] Liber de Melros, vol. ii. pp. 478-480.

[2] *Ibid.* In the writ of confirmation the king describes the Earl of Douglas and Mar as his brother, but it is possible the word "fratris" may here be used in the sense of "consanguinei." King Robert the Third and James, second Earl of Douglas and Mar, were brothers-in-law, but no near relationship existed between the king and Earl William.

the Earl of Douglas had a share. He continued in attendance at Court, as is shown by his witnessing various royal charters during the period, and in one document he is referred to in such a way as to imply a special friendship betwixt him and the King's son, Robert, Earl of Fife and Menteith, afterwards Duke of Albany.[1] The Earl's chief recorded public acts during the four years in question were connected with his office of Warden of the East Marches of Scotland. Reference has already been made to disputes between the Scottish and the English Wardens in the early months of the year 1373, and in August of the following year questions again rose betwixt Douglas and Percy, which required special settlement. The subject of debate was the Forest of Jedburgh and the profits arising therefrom. The merits of the dispute are not stated, but it probably arose out of a stipulation in the treaty of 1369, that during the truce half of the rents and profits of the lands and possessions occupied by those who remained liege subjects of the English king in the county of Roxburgh should be paid to the Scots, who claimed a right of heritage in these lands.[2]

The working of this arrangement during the fourteen years' truce is illustrated by the case of the son and heir of the Earl of Douglas himself. On the marriage of James Douglas with the Princess Isabella, he was provided by the king in an annuity of £100, payable from the rents of Ednam, then occupied by the English; but as half the rents were appropriated by the English, in terms of the truce, the king granted him a yearly sum to supply the deficiency, until the termination of the truce.[3] There were, no doubt, many cases similar to this, and disputes must have arisen between rival claimants of particular territories, making the Borders the scene of chronic petty warfare, which at last broke out in open war. The wardens

[1] The Red Book of Menteith, by William Fraser, vol. ii. p. 260.

[2] Rotuli Scotiæ, vol. i. pp. 934, 939.

[3] Exchequer Rolls, vol. ii. pp. 434, 460, 501; vol. iii. pp. 79, 92, 666.

were no longer able to control their men nor agree with each other, and hence such arrangements as the commission of 29th August 1374, by the English king to the Bishop of Carlisle and others, to meet with commissioners from Scotland to settle the contention between Douglas and Percy.[1]

These commissioners were appointed with a special view to the preservation of the peace betwixt the two countries, but it cannot be said that this result was attained; and a few years later matters became more serious. This is shown by the terms of a commission granted three years later, in the first year of King Richard the Second. The death of King Edward the Third, while it removed from the Scots the immediate fear of a renewal of the question as to supremacy, also encouraged them to greater activity in troubling the peace of their neighbours. This provoked retaliation, and it was deemed expedient by both parties that some magnate on either side should attend the day of meeting appointed by Henry Percy, Earl of Northumberland, the Earl of Douglas and Mar, Archibald Douglas, Lord of Galloway, and Mr. John Pebles, chancellor of Scotland. The famous John of Gaunt, Duke of Lancaster, uncle of the young King of England, was appointed to meet with John, Earl of Carrick, the Steward of Scotland, and until the interview took place, the Wardens of both kingdoms bound themselves, in name of their princes, to keep the truce of 1369. They also pledged themselves personally to preserve peace and order in their own bounds.[2] The English king, in his letter on the subject, proclaims special penalties against all breakers of the treaty on his own side of the Border, showing that the English Government was at that time sincerely desirous of peace, though it

[1] Rotuli Scotiæ, vol. i. p. 965.

[2] *Ibid.* vol. ii. p. 3. 27th September 1377. The rendezvous was to be at Liliotcross, but in the Exchequer Rolls of 1377-1378 appears a notice of a "day of the marches," held by the Earl of Carrick at Melrose, which probably refers to this occasion. The expenses were £100, besides £18 for wine, and 31s. for lampreys—sums which betoken a considerable assemblage.—[Exchequer Rolls, vol. ii. pp. 554, 587.]

is evident from the frequent documents of a similar nature issued during the next few years, that the Borders were in a state of ferment.

Breaches of the truce, however, were not confined to the Borderers, nor were the Scots alone the aggressors. In the previous year, 1376, John Mercer, a burgess of Perth, and one of the wealthiest merchants in Scotland, had been shipwrecked on the coast of Northumberland. He was seized by the country people, and confined in Scarborough Castle, but was soon afterwards released, to the great disappointment of the English historian who relates the circumstances. His opinion was that the release of Mercer was a great loss to the king and realm, for had he been held to ransom, he would have brought "inestimable riches" into the royal treasury.[1] The cause of Mercer's comparatively speedy release was doubtless a letter addressed to King Edward the Third by the Earl of Douglas and Mar, dated 16th November 1376.[2] In this letter the Earl claims Mercer as his vassal, and represents that he was in pursuit of his lawful calling, when he was wrecked, and captured, and that his detention was in violation of the truce. He therefore requests that Mercer may be at once set at liberty without further troubling him.[3] With this request King Edward complied. He must have known Mercer as the chief agent of Scotland in the payment of King David's ransom, and the prisoner was soon after liberated, as he was an auditor of the Exchequer in January of the following year.[4]

The Earl of Douglas and Mar was not so speedily successful in regard to another request which he made in the same letter, as to his clerk, Mr. Thomas

[1] Walsingham, edition 1574, p. 212.

[2] Vol. iv. of this work, pp. 57-59.

[3] It would appear that Mercer held the lands of "Pettland in Strathurd" from the Earl of Douglas. [Robertson's Index, p. 63, No. 43.]

[4] Exchequer Rolls, vol. ii. p. 510. [It may be noted that Mercer, to reimburse himself and his companions for their losses in England, made a counter claim against the ransom money due on St. John's Day 1377 to the extent of 2000 merks, which after some delay was admitted—*Ibid.* p. 582; Rotuli Scotiæ, vol. ii. p. 13.]

Mercer. It would appear that this person had been taken by the English some time previously, as the Earl states he had formerly written to the king concerning him. The Earl represents the annoyance endured by his clerk, who seems to have been Archdeacon of Glasgow, and the expenses incurred by the unfortunate captive, amounting to 200 merks sterling. On behalf of the prisoner the Earl demands redress, or that a formal accusation should be made by the parties who arrested his clerk. It does not appear whether any immediate result followed this letter. Nearly three years later a warrant was issued by King Richard the Second to one of the Sheriffs of London, to detain Thomas Mercer of Scotland, described as one seized for adhesion to the king's enemies, as a prisoner without chains.[1] A few months later, in October 1379, a safe-conduct is granted, permitting Mr. Thomas Mercer, Archdeacon of Glasgow, then abiding in England, to travel between that country and Scotland until the ensuing 30th November.[2] On the other hand, in the Exchequer account of payments from the custom of Dundee during the year 1377, a sum of £20 is entered as paid to Mr. Thomas Mercer by gift from the king,[3] which seems to imply Mercer's residence in Scotland some time during that year.

Certain private transactions of the Earl of Douglas and Mar between the years 1373 and 1379 suggest an impoverished state of Scotland at this time. This may have arisen partly from the drain on the resources of the kingdom caused by the efforts made to meet the yearly instalments of the late king's ransom-money, and partly from a famine which overspread the country. The duration of this famine has been fixed at two years, during which importations of corn were made from England.[4] Bower, in narrating the accession of King Robert the Second, states that in his time there was very great abundance of victual, crops, and animals.[5] This statement is probably exaggerated, while

[1] Rotuli Scotiæ, vol. ii. p. 16. 20th June 1379.

[2] *Ibid.* p. 18.

[3] Exchequer Rolls, vol. ii. p. 565.

[4] *Ibid.* Preface, p. lxxxiii.

[5] Fordun, à Goodall, vol. ii. p. 383.

on the other hand the assertion of a recent historian that "the whole nobility of Scotland appear to have been supported by grain imported from England and Ireland,"[1] from which he infers great destitution among the lower classes, is somewhat too sweeping. Between the years 1373 and 1375, there were indeed considerable quantities of grain imported from England, and several of the greater nobles received permission to make purchases there, but the larger quantity was imported by merchants evidently for sale to the general public.

The Earl of Douglas was one of those nobles who purchased corn in England, and his name occurs more frequently than that of any other Scottish magnate, only one or two others of high rank being referred to. In April 1374, he received licence to purchase 80 quarters of wheat, the same quantity of malt, and 12 tuns of wine.[2] In February and June of the next year, the Earl, by his agents, obtained in each month 500 quarters of malt from the counties of Lincoln, Norfolk, and Suffolk, the Countess of Douglas purchasing 200 quarters additional.[3] It is not clear, however, that these transactions denote a scarcity in Scotland. If so, it must have lasted a long time, or the years from 1379 to the conclusion of the fourteen years' truce in 1383 must also have been famine years, as the imports of victual and malt from England were then very frequent, the Earl of Douglas also buying quantities of malt, but not so extensively.[4] In April 1378 also, the Earl, conjointly with the Earl of Fife, imported from England goods of a miscellaneous character, consisting of vessels of pewter, worsteds, saddles, caskets, flagons, and leather bottles. These were for the Earl's own use, and were to be bought and shipped at London, by special permission of the English king.[5]

[1] Tytler's History of Scotland, vol. ii. p. 326.

[2] Rotuli Scotiæ, vol. i. p. 963. On the same date a safe-conduct was granted at the Earl's request to James or Jacob Ponche, a Florentine, permitting him to go to Rome, or as a pilgrim to the shrine of St. James.

[3] Rotuli Scotiæ, vol. i. pp. 968-970; vol. iv. of this work, p. 8.

[4] Rotuli Scotiæ, vol. ii. pp. 30 to 53, *passim.*

[5] *Ibid.* p. 7.

About this time William, Earl of Douglas, came into possession of the extensive estates of the earldom of Mar, and also received the dignity of Earl of Mar, and was thereafter Earl of Douglas and Mar. For a proper understanding of those important acquisitions, it is necessary to explain the state of the Mar and Douglas families at the time of the death, in or about the year 1374, of Thomas, the last of the male line of the ancient Earls of Mar. By overlooking the facts mistakes have been made even by recent writers, in reference to the succession of the Douglas Earls of Mar. It has been asserted that William, Earl of Douglas, assumed the title of Earl of Mar in right of his wife, who survived him, and that upon her death her son James succeeded to her in the lands and dignity, which again passed, on his death at Otterburn, to his sister Isabella. But, as will be shown, Margaret, Countess of Douglas and Mar, survived not only her husband, the Earl of Douglas, but her son, the second Earl, who, therefore, did not succeed to his mother, but held the title of Mar in direct succession to his father.

Thomas, thirteenth Earl of Mar, was the only son of Donald, the twelfth Earl, who was Regent of Scotland after the death of Randolph, Earl of Moray, and fell at the battle of Dupplin. Earl Thomas married, first, Margaret, Countess of Menteith, but having no issue by her, procured a divorce, and married Margaret Stewart, Countess of Angus.[1] His divorce from the first Countess, and speedy marriage with his second, shows the desire of the last of the Earls of Mar to continue the race in his own line. But he was again disappointed of children, his second Countess having borne him no issue.

The Earl of Mar having thus no children, and no surviving male relatives, and only one sister, Margaret of Mar, Countess of Douglas, the subject of the succession to his vast territorial estates and his ancient dignity, which was one of the oldest in Scotland, must have frequently

[1] The Red Book of Menteith, by William Fraser, vol. i. pp. 121-124.

engrossed the attention of the childless Earl of Mar. No patent or instrument of creation of his dignity was known to exist, and it may have been a doubt whether, if left to the operation of law, his estates would descend to his sister, and his title of dignity become extinct, as in the long line of thirteen Earls there was no case of female succession.

The ancient Mar muniments have shared the fate of the earlier charters of the Douglas family, as Kildrummy Castle, the principal residence of the Earls of Mar, like the castle of Douglas, frequently underwent the perils of war and conflagration, when their older title-deeds perished.

To guard against the contingency of the lapse of the title, the facts and circumstances show that an arrangement was entered into between the two brothers-in-law, Mar and Douglas, whereby in the event of the death of the Earl of Mar without issue, his estates and title would be inherited by his brother-in-law Douglas and his issue, with a regrant of the title of Earl to Douglas, who would thus become Earl of Douglas and Mar, the latter dignity dating from the new and not the original creation.

The family arrangement as to the succession of the Earl of Douglas to the Mar estates, would be followed on the part of Earl Thomas by a formal resignation of his earldom and dignity in the hands of King Robert the Second, and by a regrant in terms of the arrangement.

The exact date of the accession of the Earl of Douglas to this earldom and dignity of Mar has not been clearly ascertained, but may be stated approximately. The last mention of Earl Thomas, as alive, occurs in a safe-conduct to England which he received on 22d October 1373, to endure for three months.[1] If Earl Thomas undertook the journey to England he did not long survive it. The protest by the Earl of Douglas in regard to the patronage of the church of Great Cavers was made by him, as Earl of Douglas and Mar and Lord of the barony of Cavers, on 21st June 1374.

[1] Rotuli Scotiæ, vol. i. p. 960.

It is thus implied that Earl Thomas was then deceased. After that date William, Earl of Douglas, in formal legal instruments, is styled Earl of Douglas and Mar, and as such exercised the right of sole and absolute owner of the earldom of Mar.

In his baron's Court, held near his castle of Kildrummy, he received, on 26th July 1377, formal resignation of the lands of Easter Fowlis, within his earldom of Mar, and shortly afterwards bestowed them on James Mowat.[1] The charter was granted by the Earl alone in his own name as Earl of Douglas and Mar, and the grantee was to hold the lands to himself and his heirs of the Earl and his heir, and to do suit at the Earl's courts to be holden for Mar. On the 10th of the following month the Earl, as Earl of Douglas and Mar, confirmed a grant which had been made in 1356 by his brother-in-law, Thomas, Earl of Mar, to William Chambers, of lands within the earldom of Mar, the grantee doing suit and service at the Earl's court at Migvie, within the earldom.[2] The Earl of Douglas and Mar confirmed this grant for himself and his heirs, and made it at his castle of Kildrummy.

Again, Margaret Stewart, widow of Thomas, Earl of Mar, in 1377, had certain terce lands judicially assigned to her by the Sheriff of Aberdeenshire, from her husband's estates of Mar and Garioch. At a later date she leased her whole terce lands to her brother-in-law William, Earl of Douglas and Mar, who, on 11th May 1381, granted to her letters of obligation acknowledging the lease, and containing certain conditions to be fulfilled in the event of any term's rent remaining unpaid beyond a specified time. This document throughout is the act and deed of the Earl alone. He speaks of himself in the plural number, and recites the formal destination of the lease as granted " to us, to Margaret our spouse, and to the survivor of us and to our heirs." The Earl's warrandice is by himself alone, and his own heirs.

[1] Antiquities of Aberdeen and Banff, vol. i. p. 594; vol. iv. p. 158; Original Charter in Torrance Charter-chest. [2] Antiquities of Aberdeen and Banff, vol. iv. p. 723.

The Earl's wife is no party to the letter of obligation; her consent to it is not stated, nor was her seal affixed to it.

If reference be made to documents granted by Margaret, Countess of Douglas and Mar, after the death of her husband, William, Earl of Douglas and Mar, and when she had married as her second husband Sir John Swinton of Swinton, a distinction will at once be marked. Previous to the year 1388 the Countess's son, James, second Earl of Douglas and Mar, granted the lands of Drumlanrig to his son William.[1] After that Earl's death at Otterburn in 1388, the Countess of Douglas and Mar and her second husband, as superiors of Drumlanrig, granted an obligation binding themselves that William Douglas should suffer no molestation in his possession of the lands. In that obligation the granters are "John of Swynton, lord of Mar, and Margaret, his spouse, Countess of Douglas and Mar;" the obligation is in their joint names throughout, and the seals of both husband and wife were appended to the original.[2] Swinton during his wife's lifetime had only the *jus mariti* over her possessions, and she joins with him in writs affecting her property.

A precisely similar case occurs at a later period, when the Mar estates were in the possession of an heiress, Isabel Douglas, who succeeded to the lands in question. She married Malcolm Drummond, brother of Annabella Drummond, Queen of Scotland, and he, in 1400, granted, in terms of a family arrangement, the lands of Liddesdale to George Douglas, Earl of Angus, the half-brother of Isabel Douglas. In his charter Malcolm Drummond merely designs himself Lord of Mar and of Garioch, declares that the grant is made with consent of his spouse, Isabel of Douglas, Lady of Mar, Garioch, and Liddesdale; that his right to Liddesdale was through his spouse; that George of Douglas was to hold the lands of Malcolm and Isabel, and the heirs to be begotten betwixt them, and to render to them and their heirs, whom failing,

[1] Original Charter in Drumlanrig Charter-chest, 1385-1388.

[2] Old Copy Charter, dated 5th December 1389, in Drumlanrig Charter-chest.

to the heirs of Isabel, a red rose yearly. The charter was sealed with the seal of Isabel as well as that of Malcolm Drummond.[1]

The earldom of Mar, as possessed by Thomas, Earl of Mar, was in the time of King Robert the Second the premier earldom of Scotland. The dignity of Earl of Douglas was then the most modern dignity with the rank of Earl, and William, Earl of Douglas, was the first Earl of his family, having been created on 26th January 1357-8. When he received the conjoined titles of Douglas and Mar on the death of Thomas, Earl of Mar, he had only been sixteen years Earl of Douglas, yet on every occasion his title of Douglas is invariably placed before that of Mar. He styles himself Earl of Douglas and Mar; his widow also after his death placed the title of Mar after that of Douglas, styling herself Countess of Douglas and Mar,[2] and the same course was followed in Crown charters by the king. The dignity of Earl of Douglas could not have been placed before that of Earl of Mar, if Earl William had been entitled in right of his wife to be ranked as, and to bear the style of, the first Earl of the kingdom.

Both of the Earls of Douglas and Mar, William and James, father and son, sealed the legal deeds granted by them with their armorial seals, having Douglas in the first and fourth quarters, and Mar in the subsidiary second and third, thus again plainly showing that the title of Mar, as possessed by William, Earl of Douglas, was junior to his recently created dignity of Douglas.

Between the years 1378 and 1380, the Earl of Douglas and Mar seems to have engaged in frequent conflicts with the English, as though the fourteen years' truce had not expired, it was, latterly at least, very badly kept on both sides of the Borders. It is impossible, however, from the conflicting accounts of historians, to follow the true sequence of events. In one of the desultory

[1] Vol. iii. of this work, pp. 44-46.

[2] Antiquities of Aberdeen and Banff, vol. iv. pp. 724-727.

expeditions of the time, the Castle of Berwick was seized and held for nine days by a small party of Scots, who attacked the place by night, killed the governor, and put the garrison to the sword. The English historian who narrates the event most fully gives, in one account, the name of Thomas Hog as the leader of the adventurous company, numbering, it is said, about fifty men. The historian adds that Henry Percy, Earl of Northumberland, the English warden, sent to the Earl of March on the Scottish Border, to know if he were privy to this infringement of the truce. March responded to the call by joining Percy in summoning the invading party to surrender the castle, but their leader replied he would yield it neither to the king of England nor of Scotland, but would keep it for the King of France.[1]

Froissart gives a graphic account of the taking and retaking of the Castle of Berwick, similar in detail to that of Walsingham, but assigns the leadership of the Scots to a squire named Alexander Ramsay, and omits all mention of the Earl of March. He adds that after the re-taking of Berwick, the Earl of Northumberland, accompanied by the Earl of Nottingham, Sir Thomas Musgrave and others, rode with a considerable force against the Scottish leaders. The Earl of Douglas and Mar, with other nobles and knights, including Sir Archibald Douglas, the Earl's cousin, had come to Dunbar to succour the adventurers who had seized Berwick, but considering that the object to be gained was not worth the probable loss of life which would ensue, they ultimately abandoned their resolution.[2]

Froissart then relates that news of the re-taking of Berwick and the fate of the adventurers, who were all put to death except Alexander Ramsay, was carried to the Earl of Douglas and Mar and the other Scottish leaders.

[1] Walsingham's History of England, edition 1574, p. 222; also Ypodigma Neustriæ, p. 136.

[2] Froissart, Lord Berners' edition, vol. i. pp. 501-504.

They were encamped near Haddington,[1] but determined to make a rapid march to surprise Sir Thomas Musgrave, who was in command of a small English force at Melrose. They set out purposing to reach Melrose about midnight, but, says the historian, there fell such a rain and wind which so beat in their faces that the proudest of them could scarce sit on their horses; and their pages, benumbed with cold and wet, could not carry their master's spears but let them fall, while each man broke away from the other and lost his way. In this plight, the leaders halted in the lee of a great wood, some of the knights remarking that they rode but foolishly, for it was no proper season then to ride; they might lose rather than gain. They therefore waited, covering themselves and their horses as they best could, while some made fires to warm them, though not without difficulty, as the wood was green and wet. The storm continued till daybreak, when the wet weather ceased, the sun shone, and the larks began to sing.

Foragers were sent out into the neighbouring villages, who encountered a party of Englishmen on the same errand. The alarm being thus given to Sir Thomas Musgrave and his company, the Scots could no longer practise a surprise, so they made an ambuscade in the wood and sent out a few men to reconnoitre the enemy. The Englishmen, on the other hand, on discovering the near approach of the Scots, sallied out from Melrose, to the number of two thousand seven hundred, and, after marching some distance, came suddenly upon Douglas and his men, who could not then retreat. A fierce engagement took place, resulting in the defeat of the English and the capture of Sir Thomas

[1] Froissart, Lord Berners' edition, vol. i. p. 505. The place is called "Hondbray," which in Johnes' edition is explained to mean Haddington. This is doubtful. The place is said to be a large village beyond the Lammerlaw or Lammermuir, among the mountains, where there were fair meadows and a good country. It is possible Humbie may be the place indicated, as the ancient name of that parish was *Hundeby*, and it contains a hamlet of some size, while the other geographical features stated correspond to that locality. Cf. Gazetteer of Scotland, vol. i. pp. 809, 810.

Musgrave and his son, with several other Englishmen of note. To avoid an encounter with the larger body of the English, who, under the Earls of Northumberland and Nottingham, had been marching by another route in search of the Scots, the Earl of Douglas withdrew his forces and retreated towards Edinburgh.[1]

Thus far Froissart, who relates the events as if he were an eye-witness. Walsingham, who is usually accurate in his dates, fixes the date of the capture of Berwick as 25th November 1378.[2] If, as Froissart implies, the military movements he describes followed shortly after the recapture, they must have taken place in December or January, which scarcely accords with the indications he gives of the season of the year. On the other hand, it is certain that the Earl of Douglas was near Dunbar in January 1379, as he witnessed a charter on the second of that month at Tantallon, having apparently come suddenly from Arbroath, where he was with the king on the 26th and 31st of the previous month.[3]

The Scottish historians, Wyntown and Bower, assign the taking of Sir Thomas Musgrave to an earlier date and another cause. A trivial quarrel having taken place with an Englishman, in which a chamberlain of the Earl of March was slain, that powerful nobleman, in revenge, took advantage of a large concourse of Englishmen at St. James's Fair at Roxburgh, to set fire to the town and massacre a number of the Englishmen. This was followed by a raid on the part of the English warden, which, according to Walsingham, took place in 1377,[4] probably in August or September, and then it was that Musgrave, who had ridden out from Berwick with a small party, is said to have been made captive by a vassal of the Earl of March.[5]

[1] Froissart, Lord Berners' edition, vol. i. pp. 505, 506.

[2] Walsingham, edition 1574, p. 222. Bower also gives the same date as "shortly before St. Andrew's day."—Fordun, à Goodall, vol. ii. p. 391.

[3] Antiquities of Aberdeen and Banff, vol. ii. p. 67; vol. iv. pp. 114, 724.

[4] Walsingham, p. 197.

[5] Wyntown's Cronykil, B. ix. c. ii. ll. 75-90; Fordun, à Goodall, vol. ii. p. 385.

This is corroborated so far by a warrant issued two years later, by King Richard the Second, to compel Sir Thomas Musgrave, who had been liberated on parole, to re-enter himself in the custody of the Earl of March.[1]

It is possible, therefore, that Froissart may have confounded separate events, but his description of the night march at least is so graphic that it bears the marks of authenticity, and the episode may really have happened, though not in connection with the capture of Berwick. The "warden raid" of Percy in 1377, might quite well call forth such a demonstration on the part of Douglas, as would lead to the night march in question. It may be noted, also, that Froissart makes Douglas, before going into battle, confer knighthood on his own son James, and on two sons of King Robert the Second, Robert and David. This is also inconsistent with facts. The Earl's son James is described as a knight or chevalier so early as 1372, in which year he had a safe-conduct into England,[2] while the sons of the king held knightly rank before that date.[3]

During the summer months of 1379, the Earl of Douglas and Mar was with the king at Methven and Kyndrocht, at a later date at Perth, and in February following at Edinburgh.[4]

Between February and June 1380, the Earl engaged in a raid into England. Wyntown and Bower both assert that Douglas was annoyed at an incursion by the Earl of Northumberland on the territory of the Earl of March, and took this method of retaliation.[5] An invasion of Scotland by the Wardens of the West Marches, however, is suggested by a reference, in a warrant

[1] Rotuli Scotiæ, vol. ii. p. 16. 7th June 1379.

[2] *Ibid.* vol. i. p. 952.

[3] Registrum Magni Sigilli, vol. i. pp. 84, 120.

[4] Registrum Honoris de Morton, vol. ii. p. 142; Antiquities of Aberdeen and Banff, vol. iii. pp. 141, 181; vol. iii. of this work, p. 28; History of the Carnegies, p. 491.

[5] Wyntown's Cronykil, B. ix. c. iii.; Fordun, à Goodall, vol. ii. p. 391.

addressed by the English king to them, to money paid to the Scots for damage done by the English.[1]

Whatever the special cause of offence, Douglas mustered an army of his own vassals and those of his friends, numbering, it is said, about twenty thousand men. Dividing his army into three sections, the Earl invaded Cumberland and Westmoreland, spoiling and ravaging all around. From the Forest of Inglewood the Scots drove off, it is said, 40,000 animals of various kinds, besides other booty, and burned what they could not carry off. Not content with this, by a night march the marauders surrounded and attacked the town of Penrith, where a fair was then being held. The town was full of people, and the streets crowded with booths, in which were all sorts of wares, so that Douglas and his men secured a large amount of booty. They then set fire to the place, and returned homewards, some of their number, who had become intoxicated, falling into the hands of the English.[2]

The Scottish historians, in their account of this raid, merely add that the Scots reached their own country without further loss. Walsingham, however, relates that after their success at Penrith the Scots, returning by the way of Carlisle, determined to attack that city, but were deterred by a report that on the previous night, great numbers of the country people had flocked to the defence of the place. They therefore decided to avoid Carlisle, lest, by delaying there, they might meet with disaster, and be compelled to disgorge their booty. As it was, passing near some archers from Cumberland and Westmoreland, the Scots lost some of their number, but they succeeded in entering Scotland with their prey without further loss.[3]

[1] Rotuli Scotiæ, vol. ii. p. 21. At a later date also, in 1381, the Earl of Northumberland was directed to pay £62 to the Earl of Douglas for damage done in his wardenry. —*Ibid.* p. 37.

[2] Wyntown's Cronykil, B. ix. c. iii.; Fordun, à Goodall, vol. ii. p. 391; Walsingham, edition 1574, p. 249.

[3] *Ibid.*

This raid, though it inflicted great damage on the English, costing the Earl of Northumberland alone, it is said, upwards of one thousand marks, had in the end disastrous consequences for the Scots. In the summer of the previous year, England had been visited with a severe pestilence, especially in the northern districts. The English historian who records it describes very graphically the terrible effects of this plague, and condemns the Scots in no measured terms, because while disease was depopulating the country, they harassed the survivors by constant petty raids. He ridicules the Scots as being very much afraid of the pestilence, and endeavouring to fortify themselves against it, by daily blessing themselves, according to a formula composed by them,—"Gode and S. Mungo, Saint Romayn and Saint Andrew, schield us this day fro Goddis grace and the foule death that English men dien upon."[1] The chronicler concludes with a pious wish that the prayer (to be kept from God's grace) might be answered, and that the cruel marauders might receive the reward of their doings.

This wish received, it would appear, an unfortunate fulfilment after the raid upon Penrith. The Earl of Northumberland was eager to retaliate his losses on the Scots, but was restrained by a special order from King Richard the Second.[2] It would seem, however, that a force of fifteen thousand English crossed the Solway into Scotland, and did what damage they could. They were fiercely attacked by a small body of Scots, and a considerable number taken prisoners, while many lost their lives by the rapid influx of the Solway. It was not by this attack that the Scots suffered, but as Bower mournfully says, after describing the riches gained at Penrith, "While the Scots thirsted for booty, they came to inconsolable grief, because from their spoils arose a pestilence in the kingdom, by which almost a third part of the population died that same year." Wyntown also records the pestilence in this year (1380), though he says nothing of the cause.

[1] Walsingham, *ut supra*, p. 234. [2] *Ibid.* p. 249.

It is stated to have been the third pestilence which had prevailed in Scotland.[1]

In the summer of 1380, the Earl of Douglas and Mar was again with the king in the east and north of Scotland,[2] and attended a conference of wardens, held at Berwick on the 1st November of that year. The mandate issued by the English king restraining the Earl of Northumberland from seeking revenge on the Scots for their attack on Penrith was followed by a royal warrant appointing the Earl a commissioner for punishing violators of the truce.[3] The Duke of Lancaster was appointed to the same end, and marched towards Scotland at the head of a powerful army, but his deputies, the Earls of Warwick and Suffolk, had met with Commissioners from Scotland at Liliotcross, Maxton and Moorhouselaw, and a meeting with the Duke of Lancaster was fixed for the last day of October, at Berwick. On the representation of the Scots, however, the interview was deferred till the next day, the 1st of November, when, it would appear, the Earl of Douglas was present.[4] The other Scotch Commissioners were the Bishops of Glasgow and Dunkeld, the Earl of March, and Sir Archibald Douglas, Lord of Galloway.

A truce was arranged to last until 30th November 1381, both parties binding themselves to keep the peace for that time, and it was agreed that if any attempts against the truce were made by subjects of either kingdom, requisitions should be made by the wardens within one month, and measures taken for securing satisfaction to the injured party. The places at

[1] Fordun, à Goodall, vol. ii. p. 391 ; Wyntown's Cronykil, B. IX. c. iii.

[2] At Dundee, on 16th June ; Inverness, on 11th August ; and "Glempness" (Glamis), on 31st October 1380.—Registrum Honoris de Morton, vol. ii. p. 143 ; Registrum Aberdonense, vol. i. p. 112 ; Antiquities of Aberdeen and Banff, vol. ii. p. 44.

[3] Rotuli Scotiæ, vol. ii. p. 22. 8th May 1380.

[4] *Ibid.* pp. 29, 30. The delay may have been for the sake of the Earl of Douglas, who appears as a witness at Glamis on 31st October, though it seems barely possible that he could arrive at Berwick by the following day.

which these requisitions were to be made were as follows. At Dunse and Berwick for matters affecting the bounds of the Earl of March's wardenry; Melrose and Roxburgh for matters affecting the bounds in charge of the Earl of Douglas, with Ardkane and the Priory of Canonbie on his western limits; while Lochmaben was assigned as the place of requisition for the West Marches. The Duke of Lancaster on one side, and the Earls of March and Douglas with Sir Archibald Douglas, on the other side, affirmed this treaty by affixing their seals.[1]

In June of the following year a further conference took place between John, Earl of Carrick, eldest son of the King of Scots, and the Duke of Lancaster, at Abchester, near Ayton.[2] It was agreed that the truce should be renewed and endure until Candlemas 1384, while a separate clause provided that the balance still due of the ransom of King David the Second should remain unpaid until the same term. These articles were confirmed by the English king in the succeeding July. Immediately following on this treaty occurred an episode in which the Earl of Douglas figured prominently, and which marks the chivalric character of the period.

While the Duke of Lancaster was absent in the north, the famous popular insurrection, headed by Wat Tyler, had broken out in England. The Duke's palace of the Savoy had been plundered, and a party formed against him. He was much disturbed by the news of the outbreak, and, according to one English historian, this was the cause of his haste in concluding a peace with the Scots, lest they should take advantage of the popular disturbance and invade England.[3] The Duke, at least, considered it desirable to absent himself from England for a time, and in an interview with the Earl of

[1] Rotuli Scotiæ, vol. ii. p. 30; Fœdera, vol. vii. pp. 276-278.

[2] Rotuli Scotiæ, vol. ii. pp. 38, 39; Fœdera, vol. vii. p. 312, *et seq.* The place of meeting is in the treaty called Abchester—in the Exchequer Rolls, it is said to be Coldingham. —Vol. iii. p. 81.

[3] Walsingham, edition 1574, p. 297.

Carrick, begged permission to make a temporary residence in Scotland. This request was at once granted, and he was cordially received as a guest of the nation. To do the Duke all honour, the Earl of Douglas, Sir Archibald Douglas, Lord of Galloway, met him with a considerable company, and conducted him to Haddington, where he slept the first night of his sojourn in Scotland, after due feasting and entertainment. The next day the noble guest was brought to Edinburgh, and apartments in Holyrood Abbey were assigned to him. There, during his stay, the Duke received much kindness, and many presents from all classes of society, but the Earl of Douglas is said to have been specially attentive in his courtesies, and in supplying provisions for the Duke's table. When the latter returned to England, he was escorted to Berwick by an honorary retinue of eight hundred spearmen.[1]

After Lancaster's departure, which seems to have been about the middle of July 1381,[2] the Earl of Douglas and Mar visited the south of Scotland, and was at Wigtown on 9th September. There, for the weal of his own soul and those of his wife and son James, he granted to the prior and convent of Whithorn an annual rent of twenty merks due to himself from the lands of Mertoun or Myrtoun in Wigtownshire. This charter was witnessed by John, Earl of Carrick, and other two sons of the king, three Lindsays, and the Earl's son James, and was confirmed by the seal of Sir Archibald Douglas as Lord of Galloway.[3] In October of the same year, the Earl was in Edinburgh with the king, and afterwards with him at Ardstanchell or Ardstinchar in Ayrshire, and in the spring of the following year at Arnele.[4] From this date until the

[1] Wyntown's Cronykil, B. IX. c. iv.; Fordun, à Goodall, vol. ii. p. 396.

[2] Orders for a bodyguard to protect the Duke's person on his way to the English Court were issued on 5th July 1381.—[Fœdera, vol. vii. p. 319.]

[3] Registrum Magni Sigilli, vol. ii. p. 450, note. King Robert Second confirmed the grant at Linlithgow on 31st December 1381.

[4] Liber de Melros, vol. ii. pp. 444-462; Memorials of the Montgomeries, vol. ii. p. 16; Registrum de Morton, vol. ii. p. 149.

end of the truce with England no record of the Earl's doings has been found, except that he witnessed various royal charters at Stirling and Dundee in April and July 1383, and at Edinburgh on 18th January 1384.[1] A somewhat obscure entry in the Exchequer Rolls for 1383 makes it appear that the Earl and his son shared with the king and others certain profits arising from the way in which King David the Second's ransom-money was paid, but in what manner cannot be ascertained, owing to defect of records.[2] During the truce also the Earl received two licences permitting him to import wine and malt from England. In February 1382 his imports were 12 tuns of wine and 400 quarters of malt, and in March of the following year he imported 300 quarters of malt.[3]

On the expiration of the truce with Lancaster at Candlemas 1384, the Scots were the first to assume the offensive against England. Before that date, however, in August of the previous year, they had given clear indication of their warlike intentions, by entering into negotiations with France. There was no formal treaty, but the French king had promised, in the event of war with England, to furnish the Scots with forty thousand francs of gold, one thousand men-at-arms, and a thousand suits of armour, bribes sufficiently dazzling to the warlike Scottish nobles.[4] The three years' truce had barely expired before the three Border wardens, the Earls of Douglas and March, and Sir Archibald Douglas, besieged the castle of Lochmaben, which had been in English hands since 1346. Sir Archibald Douglas, in whose wardenry the fortress lay, was the prime mover in the attack, as the castellans of the castle did much damage to the surrounding district. The stronghold capitulated on 4th February 1384, two days after the truce expired.[5]

[1] Registrum Magni Sigilli, vol. i. p. 170; Charter in Drummond Charter-chest, 11th April 1383; Charters of Holyrood, p. 100.

[2] Exchequer Rolls, vol. iii. pp. lix, 664.

[3] Rotuli Scotiæ, vol. ii. pp. 41, 49.

[4] Acts of the Parliaments of Scotland, vol. xii. p. 19.

[5] Fordun, à Goodall, vol. ii. p. 397; Wyntown's Cronykil, B. ix. c. v.

The English were not slow to retaliate this defeat, and another inflicted by the Earl of March on the Baron of Graystock, who was captured on his way to Roxburgh Castle, and feasted by his captor off his own gold and silver plate.[1] In the first week of April the Duke of Lancaster entered Scotland with a large army, and advanced as far as Edinburgh, but, mindful of the hospitality he had received, he did as little damage to the country as possible, and soon re-crossed the Border.[2] Immediately on the retreat of the English army, Douglas, with a large force, entered Teviotdale, of which a considerable portion had been under the rule of England since the battle of Durham. The Earl now determined to bring the whole of it under the sway of the King of Scots. This he accomplished, partly by force and partly by diplomacy, achieving his purpose so successfully that "nowthir fure na fute of land" was left under English rule, except the castles of Roxburgh and Jedburgh.[3] To confirm the recovery of this important district, and to secure the king's rights over it, a special Act was passed by the Scottish Parliament assembled at Edinburgh in April of the following year.

From this Act it would appear that Douglas held a special commission from the king, which prescribed certain conditions to those in Teviotdale who had transferred their allegiance from the King of England to the Scottish monarch. It was further ordained that all such persons should, within eight days, present to the Chancellor schedules or lists containing the names of the lands, wherever situated within the kingdom, which they claimed by hereditary right, with the names of the present possessors and the sheriffdoms in which they lay. This was to facilitate the preparation of citations which the Chancellor was to direct through the sheriffs, summoning all parties who held or claimed to hold lands, to produce their title-deeds before the

[1] Wyntown's Cronykil, B. IX. c. v.

[2] The Duke was at Durham on 23d April.—Rotuli Scotiæ, vol. ii. p. 62.

[3] Wyntown's Cronykil, B. IX. c. vi. ; Fordun, à Goodall, vol. ii. p. 400.

King and Council, who should make a final decision.[1] From another Act in a later year we learn that William, Earl of Douglas, by virtue of his commission, received to allegiance of the King of Scots others besides the inhabitants of Teviotdale, but when is not stated.[2]

The recovery of Teviotdale to its obedience to the Scottish Crown was the last public exploit of William, first Earl of Douglas and Mar, and it was in keeping with the steady patriotism of his whole career. Some doubt has been expressed as to whether he did not take part in an invasion of England which must have been made before the month of June 1384, but the testimony of the earliest chroniclers seems decisive that in that raid the Earl's son James was the leader. Wyntown is very precise in his statement that, shortly after the recovery of Teviotdale from the English sway, the Earl of Douglas, while on his way to Douglas, was suddenly seized with sickness or fever. He was borne to his own ancestral castle, where he died after a brief illness, his body being brought to Melrose and interred there with due ceremony.[3] Bower makes a similar statement,[4] and comparison of dates shows that the Earl's death and burial took place about the beginning of May 1384.

Hume of Godscroft says that William, first Earl of Douglas and Mar, was thrice married; first, to Margaret (or Agnes) of Dunbar, daughter of Patrick, Earl of Dunbar and March, who was the mother of James, second Earl of Douglas, and of Sir Archibald Douglas, Lord of Galloway; secondly, to Margaret of Mar, mother of Isobel Douglas, Lady of Mar; and thirdly, to Margaret Stewart, daughter of Thomas Stewart, Earl of Angus, who was the mother of George Douglas.[5] As these statements have been followed more or less closely by later genealogists and recent writers, it is necessary to enter into the subject more fully than otherwise might have sufficed.

[1] Acts of the Parliaments of Scotland, vol. i. p. 552.

[2] *Ibid.* p. 553.

[3] Wyntown's Cronykil, B. ix. c. v.

[4] Fordun, à Goodall, vol. ii. p. 400.

[5] History of the Houses of Douglas and Angus, p. 79.

The first wife assigned by Godscroft to William, first Earl of Douglas—Margaret (or Agnes[1]) of Dunbar—is probably a case of mistaken identity, Agnes of Dunbar, daughter of Patrick, Earl of March, having married, in 1372, Sir James Douglas, Lord of Dalkeith.[2]

The second wife named by Godscroft, Margaret of Mar, was the only wife of the Earl. When the Earl returned to Scotland from France in 1348 he was young, having been a ward so recently as 1342.[3] No mention is made of his marriage until the year 1357. In that year King David the Second confirmed to him all the lands in which his uncle, Sir James, Lord of Douglas, and his father, Sir Archibald Douglas, were infeft at their deaths, and, in addition to these, the barony of Drumlanrig, to be held in terms of a charter by Thomas, Earl of Mar, to William, Lord of Douglas, and Margaret his spouse.[4] After this date, the Earl of Mar styles the Earl of Douglas his brother.[5] Douglas was in England and on the Continent the greater part of the preceding year, and the probability therefore is, that William, Lord of Douglas, and Margaret of Mar were married in the year 1357, Drumlanrig, and perhaps Cavers also, being a marriage portion from the Earl of Mar to his sister.

Margaret of Mar survived her husband William, Earl of Douglas and Mar. In the August immediately following his death, in fulfilment of her deceased husband's wish, she granted to the Chapel of the Virgin in Garioch, certain lands which had been resigned in her husband's hands, though he died before the transaction was completed.[6] In 1385 Margaret of Mar was still a widow, but between that year and the 27th of July 1388 she married Sir John Swinton of Swinton. Sir John Swinton is designed by James, second Earl of Douglas and Mar, as his "very dear father" in a charter granted a few

[1] In the print of Godscroft's History, the lady is called Margaret; in the MS. her name is said to be Agnes of Dunbar.

[2] Registrum Honoris de Morton, vol. ii. pp. 100, 102.

[3] *Ibid.* pp. 46, 47.

[4] Original Charter, dated 13th November 1357, in Drumlanrig Charter-chest.

[5] Antiquities of Aberdeen and Banff, vol. i. p. 538.

[6] *Ibid.* vol. iv. pp. 724-727.

days before the battle of Otterburn.[1] After Earl James's death, Swinton assumed the title of Lord of Mar, and conjointly with his wife, who survived not only her first husband but her son, granted, on 5th December 1389, an assurance to William Douglas, son of Earl James, that they would not trouble him in his possession of Drumlanrig.[2] Margaret of Mar died some time in the year 1390, when her daughter, as the survivor of the marriage of her parents, succeeded her in the lands of Mar.

By his wife, Margaret of Mar, William, first Earl of Douglas and Mar, had two children, a son and a daughter.

1. James, who succeeded to his father's titles and estates, and became second Earl of Douglas and Mar. A memoir of him follows.
2. Isabella, who, after her brother's death in 1388, and her mother's in 1390, inherited the estates of Mar and her father's unentailed lands of Cavers, Jedburgh Forest, Liddesdale, the town of Selkirk, the superiority of Buittle and Drumlanrig, with others ; the Douglas territory proper being entailed on Sir Archibald Douglas, Lord of Galloway. Isabella Douglas, some time before her brother's death, married Sir Malcolm Drummond, brother of Annabella Drummond, wife of King Robert the Third. Although Isabella Douglas succeeded to the full possession of the landed earldom of Mar, yet her husband, Sir Malcolm Drummond, never assumed, nor did he ever receive, the title of Earl of Mar, but styled himself by the common baronial but not peerage style of Lord of Mar.[3] Sir Malcolm Drummond was killed in 1402, and Isabella Douglas married, about two years later, Alexander Stewart, son of Alexander Stewart, Earl of Buchan. On 12th August 1404, styling herself Countess of Mar and Garioch, she, for the sake

[1] Liber de Melros, vol. ii. pp. 465, 466 ; vol. iii. of this work, pp. 71-73.

[2] Old copy in Drumlanrig Charter-chest.

[3] Origines Parochiales, vol. i. p. 527; Antiquities of Aberdeen and Banff, vol. iii. p. 458, note ; vol. iv. pp. 164, 729.

of a contract of marriage to be made between her and Alexander Stewart, granted the earldom of Mar, to be held by him and the heirs to be begotten between him and her, whom failing, by his heirs.[1]

On 9th December in the same year, Isabella Douglas renewed the grant of the earldom, and bestowed it on Alexander Stewart in free marriage, to be contracted with herself. The notary who records the sasine, has left a vivid picture of the proceedings which took place on this occasion, and which formed an interesting feudal ceremony. He narrates that the widowed Countess appeared at the gate of her castle of Kildrummy, attended by the Bishop of Ross and several neighbouring barons, in the presence of many persons congregated before the castle, in the fields. There Alexander Stewart approached the lady, and summoning the by-standers to witness his act, he presented and delivered to her the whole castle of Kildrummy, with all her charters and title-deeds, silver vessels, and all other jewels in the castle, and thereupon gave into the lady's hands all the keys of the castle, that she might dispose of it as she pleased. The scene terminated by the Lady Isabella, while still bearing the keys in her hand, declaring her deliberate acceptance of Stewart as her husband, and bestowing upon him in free marriage the earldom of Mar, to be held by him and their joint heirs, whom failing, to revert to her own heirs, reserving a liferent to each of the spouses.[2] Alexander Stewart, however, did not immediately after this ceremony assume the title of Earl. A month later he, under the designation of Lord of Mar, granted a receipt for forty merks in favour of Sir John Forbes.[3]

[1] Registrum Magni Sigilli, vol. ii. p. 251.

[2] Copy of Charter and Instrument in Mar Charter-chest.

[3] Antiquities of Aberdeen and Banff, vol. iv. p. 170.

and it was not until after King Robert the Third confirmed Lady Isobel's charter that her husband was styled Earl of Mar.[1] Isobel Douglas survived her second marriage little more than three years, dying before 26th October 1408.[2] Her second husband, Alexander Stewart, possessed the earldom of Mar, both the peerage title as well as the lands, till his death in the year 1435.[3] During the twenty-seven years of his possession of the Mar title and estates, he made a resignation of both in the hands of King James the First, who regranted them to him and his heirs-male, whom failing, to return to the king. Alexander, Earl of Mar, having died without surviving issue, the Mar title and estates reverted to the Crown, and were held and dealt with as Crown property afterwards.



William, first Earl of Douglas, had also two illegitimate children. The most prominent of these was George Douglas, afterwards first Earl of Angus, of the Douglas line, whose mother was Margaret Stewart, widow of Thomas, Earl of Mar, and Countess of Angus in her own right. She is the third wife ascribed by Godscroft to the Earl of Douglas, but that she could not have held that relationship is evident from the fact that the Earl's only wife survived him. George Douglas was born probably about 1379 or 1380, but his acquisition of the earldom of Angus will be more appropriately related in the history of the Angus Branch in the second volume of this work.

Another daughter of William, first Earl of Douglas and Mar, is mentioned in a charter by Isabella Douglas, Countess of Mar, in 1404. Isabella thereby granted to Thomas Johnson, and to her dear sister Margaret of Douglas, his

[1] Ancient copy Confirmation in Mar Charter-chest.

[2] Original Charter of Confirmation in General Register House, Edinburgh, 26th October 1408; Exchequer Rolls, vol. iv. p. 86.

[3] Fordun, à Goodall, vol. ii. p. 500.

spouse, the Mains of Bonejedward, and twenty merks of land near it, lying in the county of Roxburgh; to be held by Thomas and Margaret in conjunct fee, and after their decease by their son and the granter's nephew John of Douglas, and his heirs, whom failing, by the heirs of the body of Margaret of Douglas.[1] The latter was thus apparently the ancestress of the family of Douglas of Bonjedward, though Godscroft assigns to them a later origin.

[1] Antiquities of Aberdeen and Banff, vol. iv. p. 731. 10th November 1404.



VII.—1. JAMES, SECOND EARL OF DOUGLAS AND MAR.

THE PRINCESS ISABEL STEWART, HIS COUNTESS.

1384—1388.

THE memory of this Earl of Douglas has been embalmed in history by his death on the chivalric field of Otterburn. From a popular point of view, his career may be said to have begun and ended on that fatal day, as little else of his history has been recorded. As the "Hero of Otterburn" he has been celebrated in many a Border ballad; and the battle in which he fell still remains the most prominent event in his history.

He was probably born in 1358. Froissart, in his graphic account of the raid which ended at Otterburn, says that the Earl of Douglas was young and strong. When in Scotland he visited the first Earl of Douglas at Dalkeith, and saw James, then "a fayre yong chylde, and a suster of his called the Lady Blaunche."[1] The date of that visit must have been some time before the year 1369, more probably before 1366. As William, Earl of Douglas, and his wife, Margaret of Mar, were married about November 1357, James of Douglas would probably be eight or nine years of age when Froissart was in Scotland, and about thirty years of age when he fell at Otterburn. Godscroft states that he died young, "in the flower of his age," which, no doubt, was the tradition in the family in his time.[2]

[1] Froissart, Lord Berners' translation, vol. ii. p. 396. The difficulties created by historians as to Froissart's references to the Douglases have already been noticed, *antea*, pp. 254, 255.

[2] History of the Houses of Douglas and Angus, edition 1644, p. 103.

The first reference to this Earl in any public record is in a Papal dispensation for his marriage with Isabel, daughter of King Robert the Second.[1] The circumstances which led to this union between the families of Stewart and Douglas have been narrated in the previous memoir.[2] The young bridegroom was made a knight, apparently at the coronation of his royal father-in-law, as during the year 1371, a payment was made to him in terms of a gift from the king, and he is described as Sir James Douglas, son of the Earl of Douglas.[3] The Chamberlain's Accounts for 1373 mention a sum of £500, paid by order of the king to the Earl of Douglas on account of the contract matrimonial between the son of the Earl and Isabel the king's daughter,[4] and this entry may indicate the year in which the marriage took place, when the young knight could only be about fifteen years of age. In August 1372 he had a safe-conduct to pass into England.[5]

The payment made to Sir James Douglas in 1371 was an instalment of 100 merks, gifted by the king, apparently soon after his accession, and payable yearly until the grantee was infeft in land of that value. This sum was paid annually down to about 1380, when it was secured upon the customs of Haddington.[6] Besides this, other payments were made to Douglas from time to time, one series showing a debt due to him by the king,[7] and another series referring to a sum paid yearly by the chamberlain as the complement of an annuity of £100, nominally secured on the lands of Ednam in Roxburghshire. These lands were partly in possession of the English, who, in terms of the truce of 1369, drew half the rents, and the

[1] Theiner's Vetera Monumenta, p. 343, No. 691, 24th September 1371. The papal writ gives the name of the lady as Margaret. But there is abundant evidence that she was named Isobel. Her sister Margaret was married about 1350 to the Lord of the Isles.

[2] *Antea*, pp. 256-259.

[3] Exchequer Rolls, vol. ii. p. 364.

[4] *Ibid.* p. 433.

[5] Rotuli Scotiæ, vol. i. p. 952.

[6] Exchequer Rolls, vol. ii. pp. 364, 393, 434, 460, 501; vol. iii. p. 293.

[7] *Ibid.* vol. ii. pp. 557, 567, 585, 602, 620.

king's chamberlain therefore made up the deficiency. The first payment was made in 1373, about the time of Sir James's marriage, and continued until 1383, when the truce expired.[1]

In 1374 Sir James Douglas witnessed a charter by his father to the monks of Melrose, and in 1375 travelled into England, from which country also he received permission to export grain.[2] In or before 1380 his father conferred upon him the lordship of Liddesdale, as he is designed Sir James Douglas of Liddesdale in a royal grant of that year conferring upon him 200 merks, payable yearly from the custom-duties of Haddington.[3]

These notices, with the addition of one or two remissions of custom on wool, frequently granted as a mark of royal favour, are all that have been discovered regarding Sir James Douglas, from the time of his marriage until the year 1384, when, on the death of his father, he succeeded as Earl of Douglas and Mar. Godscroft states that he was an ambassador to France in the year 1381, along with Walter Wardlaw, bishop of Glasgow, and Sir Archibald Douglas, Lord of Galloway.[4] But this is a mistake, arising apparently from a confusion of names and dates. There was no embassy to France in 1381, but in 1371 Sir Archibald Douglas and the Bishop of Glasgow were envoys to that country. They were accompanied by a Sir James Douglas, whose further designation is not given, but who was probably Sir James Douglas of Dalkeith, and not the subject of this memoir, then a mere boy.[5] The

[1] Exchequer Rolls, vol. ii. pp. 434, 460, 501; vol. iii. pp. 79, 92, 666.

[2] Rotuli Scotiæ, vol. i. p. 968. 16th February 1375.

[3] Exchequer Rolls, vol. iii. p. 293. At a later date, in 1386, while Earl of Douglas, he received a supplementary grant for two years from the customs of North Berwick in aid of the sum exigible from Haddington. In regard to the North Berwick customs, the Earl was charged, after his death, with having exacted payment of a large amount against the will of the customars. [*Ibid.* pp. 153, 171, 225, 254, 255.]

[4] History of Houses of Douglas and Angus, edition 1644, p. 93.

[5] Acts of the Parliaments of Scotland, vol. i. p. 559. Cf. p. 546.

two have occasionally been confounded by historians. Sir James Douglas witnessed a charter by his father to the church of Whithorn, at Wigtown, in September 1381.[1]

The long truce with England begun in 1369, and prolonged notwithstanding frequent infractions on both sides, finally expired at Candlemas 1384. A few days before that date the Scots took the field in force and laid siege to Lochmaben Castle. It soon surrendered, and then among other achievements, William, Earl of Douglas, overran Teviotdale, and won it back from the English to its allegiance to the Scottish Crown. This was accomplished immediately after the retreat from Scotland of the Duke of Lancaster, who with a large army had entered the northern kingdom about the beginning of April, but after a comparatively harmless invasion, returned to England in about a fortnight. Sir James Douglas probably took part in his father's expedition into Teviotdale, as by the condition of the complementary payment of the rent from the lands of Ednam—that it should cease with the expiry of the truce,—it was necessary that the portion of the lands in the hands of the English should be recovered.

About the beginning of May 1384, Earl William died, and Sir James succeeded to him as Earl of Douglas and Mar. At this point there is considerable confusion among historians as to the exact order of events, and no accurate data have been obtained which indicate the true sequence. The Duke of Lancaster's expedition into Scotland returned to England before the 23d April, and soon afterwards ambassadors from France reached the Scottish Court, announcing a truce with England, in which it was desired that Scotland should be included. About the same time or a little later other visitors from France arrived on a very different errand. These were thirty French knights, under the leadership of Sir Geoffrey de Charny, who, according to Froissart, came to Scotland in search of adventures, and

[1] Registrum Magni Sigilli, vol. ii. No. 2128, *note*.

landed at Montrose.[1] Thence they passed to Perth, from which town they sent two of their number to Edinburgh, where the Court and nobility were, to explain the reason of their visit and learn the temper of the Scots.

The two knights were well received, and James, Earl of Douglas, is specially named among those who entertained them. Their companions were summoned from Perth, and made welcome by the Scottish nobles, who, so far from wishing a truce with England, were meditating a raid over the Border in retaliation for injuries inflicted by the Earls of Northumberland and Nottingham. These Earls, it appears, had invaded Scotland with a considerable force, and penetrated as far as Edinburgh, burning the town and mills of Haddington and the tron of Edinburgh, and also laying waste the town of Dumfries.[2] The Scottish chroniclers do not record this raid, but Froissart, who may have received the information from some of his countrymen, states that it took place after Easter 1384, and that the persons who suffered most were the Earl of Douglas and Lord Lindsay.[3]

The Scottish nobles therefore joyfully received the French knights as comrades. The presence of the French ambassadors on their mission of peace had no deterrent influence, as the fact that the truce of which they brought tidings had been signed in January, while they had been detained in England since the middle of February,[4] to give Lancaster's army an opportunity of striking a blow at Scotland before the truce was known there, would naturally incense the Scottish chiefs. Eager as the latter were for war, they were

[1] That the English fleet had possession of the sea, as stated by Froissart, is corroborated by Wyntown and Bower, who refer to the fleet which accompanied Lancaster's army, and the damage which was attempted by the sailors.—[Wyntown, B. IX. c. v.; Fordun, à Goodall, vol. ii. p. 398.]

[2] Exchequer Rolls, vol. iii. pp. 117, 120, 125, 130.

[3] A later date has been suggested for this invasion [Exchequer Rolls, vol. iii. Preface, p. lxvi.], but Walsingham practically concurs with Froissart.—[Historia Angliae, edition 1574, p. 336.]

[4] The safe-conduct for the French envoys to pass through England to Scotland is dated 13th February 1384. [Fœdera, vol. vii. p. 423.]

thus furnished with a sufficient pretext for retaliation. They resolved, however, that their proceedings should be concealed from the king, who desired peace and had welcomed the ambassadors, and they accordingly concerted their plans at a secret meeting in the church of St. Giles.

After a residence of twelve days in Edinburgh, the thirty French knights received a secret invitation from the Earl of Douglas to join him on the following day. Fifteen thousand troops, on horseback, armed in the usual fashion, were assembled, and the march southward began. Froissart nowhere distinctly says that the Earl of Douglas led this force, but he was probably the leader, as Bower states that in this year he repeatedly led armies into England.[1] They marched into Northumberland, and "began to brinne, to robbe, and to steale" on the lands of Percy, besides invading the territories of the Earl of Nottingham and Lord Moubray.[2] They returned by way of Roxburgh, but did not delay there, being anxious to get home with their plunder, which they accomplished without much loss.

In the first week of June the Bishops of Glasgow and Dunkeld had been appointed envoys to treat with France, but King Robert the Second deemed it necessary to send a messenger to the English Court to make explanations as to the raid. Lyon herald was accordingly, a week or two later, despatched on that errand, and the French ambassadors also, it is said, sent a similar explanation. The messengers were favourably received by the English king, who had already appointed envoys to treat with the Scots,[3]

[1] Fordun, à Goodall, vol. ii. p. 400. Bower describes Earl James as a brave soldier and always very troublesome to the English, or as Sir Richard Maitland has it, he "wes na les noysum" to them than was his father. [Sir Richard Maitland's MS., at Hamilton Palace.]

[2] Froissart, Lord Berners' edition, vol. i. p. 786.

[3] The Scots Ambassadors to France were appointed on 6th June [Fœdera, vol. vii. p. 441], and the safe-conduct for Lyon herald is dated at Westminster, 15th June 1384 [Rotuli Scotiæ, vol. ii. p. 63], while the appointment of the English envoys is dated 12th June [Fœdera, vol. vii. pp. 431, 432].

and a truce was agreed upon at the church of Ayton, on 7th July 1384,[1] to last, like that of France, until the 1st October following. The commissioners on the Scottish side were John, Earl of Moray, Sir Archibald Douglas, Lord of Galloway, Sir James Douglas of Dalkeith, and others.

In the following September the work of the French ambassadors was accomplished at an important meeting held at Boulogne, in France, between Commissioners from France and England and the Bishops of Glasgow and Dunkeld acting for the Scots, when a truce between the three countries was arranged to last till the following May.[2] At the same time, other and less pacific arrangements appear to have been made, which resulted in the French expedition to Scotland of the following year. The treaty of August 1383, by which France engaged to send into Scotland forty thousand francs of gold, and a thousand men-at-arms, with a thousand suits of armour, and which had so excited the minds of the Scottish nobles, had never yet been fulfilled.[3] But the report of Sir Geoffrey de Charny and his companions of their reception in Scotland, and the delights of a raid into England from that quarter, led the French king to favour the proposal of the Scots, and during the winter an expedition was fitted out in preparation for the ensuing year.

The force composing this expedition was larger than had been agreed upon, but so was the sum of money sent with it, and the number of suits of armour was also increased. The French army consisted of about two thousand

[1] Fœdera, vol. vii. p. 434. A month later the Earl of Douglas was apparently in the north with his mother at the castle of Kildrummy. His seal, at least, is said to be appended to a writ by her granting a piece of land to the Chapel of the Virgin at Garioch, for the welfare of her own soul, and the souls of her deceased husband and of her son Earl James. [15th August 1384. Antiquities of Aberdeen and Banff, vol. iv. p. 724.] In the following month the Earl was present at a Council held in Glasgow, but no record of its proceedings has been preserved save a charter in favour of Sir William Douglas, son of the Lord of Galloway, to which Earl James was a witness. [Acts of the Parliaments of Scotland, vol. i. p. 565.]

[2] 14th September 1384. Fœdera, vol. vii. p. 442.

[3] Acts of Parliaments, vol. xii. p. 19.

men, under the command of Sir John de Vienne, admiral of France, who brought with him fourteen hundred complete suits of armour, and fifty thousand francs of gold, of which one-fifth was paid to the King of Scots, and the remainder divided among his nobility and barons.[1]

Nothing of great importance is recorded regarding the Earl of Douglas between the signing of the truce and the landing of the French expedition. He seems to have been more or less in attendance at Court, witnessing various royal charters at Edinburgh, Arnele, and Stirling respectively.[2] He also dealt with his own estates, directing his bailiff to infeft John Bentlay in a £10 land in Strathalva, in Mar.[3] On the 12th of March, the Earl of Northumberland and the Lord of Galloway, at Salom Chapel, on the Esk, entered into a Border truce until the 1st of July, agreeing to warn each other if hostilities broke out on either side. The Earl of Douglas was not present, but the Lord of Galloway acted on his behalf, power being reserved to the Earl, if he "misliked" any condition to give notice of the fact.[4]

The Earl was in Edinburgh towards the end of April, and Froissart states that he and the Earl of Moray were the first to receive Sir John de Vienne and his attendant knights, on their landing at Leith in the beginning of May. Part of the army appear to have landed at Dunbar,[5] and as Edinburgh could not receive them all, the Frenchmen were quartered in various places around, at Dunbar, Dalkeith, Dunfermline, and even at Kelso.[6] The king, it would appear, was not then in Edinburgh, but the French were assured

[1] Fœdera, vol. vii. pp. 484-486.

[2] On 8th January 1385 at Edinburgh, Reg. Hon. de Morton, vol. i. p. xxxviii; at Arnele on 28th February, Registrum Aberdonense, vol. i. p. 129; at Stirling on 20th March, and again at Edinburgh on 20th and 22d April, vol. iii. of this work, p. 31; Liber de Melros, vol. ii. p. 448.

[3] Antiquities of Aberdeen and Banff, vol. iv. p. 728. 3d April 1385.

[4] Fœdera, vol. vii. pp. 468, 469.

[5] Fordun, à Goodall, vol. ii. p. 400.

[6] Froissart, Johnes' edition, vol. ii. p. 35. Edinburgh is described as containing only 4000 houses.

he would arrive shortly. Froissart graphically describes how, though the French were welcomed by the Scottish nobility, the common people held the new comers in small esteem. The French knights had not been many weeks in Scotland before they were obliged to enter into a formal indenture with the Estates. This contract regulated the relation of both sections of the allied army, but it must have been specially disagreeable to the French, as it required them to pay for all they received, and contained other stipulations galling to their high conceit of themselves.[1]

For this somewhat ignominious treatment, the Earl of Douglas and other leading nobles made them some recompence by promising them a raid into England. Though the king was averse to war, the Earls of Fife, Douglas, Moray, and others were determined to invade England, the more so, as they had probably learned that the English king, so early as the middle of June, had summoned a large army to meet him at Newcastle on the 14th of July[2] for the invasion of Scotland on a large scale under his own command. The Scots, however, anticipated the English invasion by marching into England, accompanied by their French allies. The Scottish army numbered, it is said, thirty thousand. On their way south they passed Roxburgh Castle, which was considered too strong to be attacked; but Bower relates that the project was abandoned because a question was raised as to the possession of the castle, if it were taken by the aid of the French. Sir John de Vienne claimed it in such case for his master, the King of France, a claim which was resisted by the Scots.[3] The Earl of Douglas, says Sir Richard Maitland, took a warm part in this discussion, and altogether refused that the French should have any authority in the land, reminding them that they came only as "suddarts" (soldiers or mercenaries?) to the kingdom.[4]

[1] Acts of the Parliaments of Scotland, vol. i. pp. 554, 555. 1st July 1385.

[2] Fœdera, vol. vii. p. 475. The summons is dated 13th June 1385.

[3] Fordun, à Goodall, vol. ii. p. 401. [4] Sir Richard Maitland's MS., at Hamilton Palace.

Sir Richard adds, that because of this dispute the army "scalit," or dispersed, and did nothing, but this is a mistake. On leaving Roxburgh, the allied forces continued their march southwards, and took the two fortalices of Ford and Cornhill. The strong castle of Wark was also assaulted, and captured, if Froissart is to be believed, chiefly by the bravery of the French. Bower corroborates this, stating that the three fortresses fell by the art and skill of the Franks.[1] After this the Scottish army swept through Northumberland, everywhere laying waste the country almost to the gates of Newcastle.[2]

While thus engaged the Scottish leaders received intelligence of the advance of the English army. King Richard, it is said, mustered a force of seven thousand men-at-arms, and sixty thousand archers, and Walsingham states that there were one hundred thousand horses.[3] Froissart asserts that the English had mustered strongly, because it was reported that the Admiral of France would give them battle. And he and his followers, who were splendidly equipped, were willing and eager to do so. But the Scottish leaders, who, though they could rely on the bravery of their men, knew that it would be madness, with their poorly armed soldiers, to attack the chivalry of England, followed their usual tactics, and retreated before the English advance. Then followed the well-known incident, so often related, in which, after a debate between the Scottish and French leaders as to the expediency of giving battle, they repaired to an eminence which commanded a view of the English army on the march. There, as they estimated the number of the enemy and the splendour of their equipments, the Scots asked how they could hope to vanquish such a powerful host with a force only half their number and ill armed, and by this argument convinced Sir John de Vienne and his knights of the futility of such an attempt.[4]

[1] Froissart, Lord Berners' translation, vol. ii. p. 22; Fordun, à Goodall, vol. ii. p. 401.

[2] Fordun, à Goodall, vol. ii. p. 401.

[3] Walsingham, edition 1574, p. 343.

[4] Froissart, *ut supra*, pp. 26, 27.

The allies accordingly withdrew their troops, warning the country people as they retired to retreat to their mountain fastnesses. The result was that the English host marched to Edinburgh through a comparative desert. In the words of the English chronicler, they rode through a land void of inhabitants, emptied of animals, lacking in provisions, which the prudent Scots had carried off—a land so desolate, that the soldiers declared that in it they saw not even a bird, owls alone excepted.[1]

In the meantime the Scots had not been idle. Though they would not meet the English in battle, they had no intention of discontinuing the war. Leaving some of their troops to watch and harass King Richard and his army, the Earl of Douglas, his kinsman the Lord of Galloway, with their French allies, had entered England by the West Marches and overran Cumberland and Westmoreland, finding no desert country, as did the English. On the contrary, the French remarked among themselves that they had burned in the bishoprics of Durham and Carlisle more than the value of all the towns in Scotland. The united forces of Scots and French made an attack upon Carlisle, but the town was bravely defended, and the fortifications withstood all the efforts of the besiegers, though Froissart states the French brought ordnance to bear upon the town. He probably meant not cannon, but other instruments of war then used in sieges. The allied forces effected a successful retreat into Scotland, being forced to retire, not by the enemy, as their raid had been almost entirely unopposed, but by their own effective plundering, which had so wasted the country that supplies ran short.

At Edinburgh famine and disappointment worked dissension in the English army, one party desiring to attack the Scots who had entered England, while others opposed this plan. To add to their misery, the English fleet, consisting of twenty-six ships laden with provisions, failed

[1] Walsingham, edition 1574, p. 344.

them, and starvation stared them in the face. The horses fared better than the riders, for they fed on the fields of corn, which, though it was the beginning of August, was growing green, and though good pasture, was useless as human food. They had encountered no enemy, and according to the English chronicler, had done nothing worthy of notice, save burning the Abbeys of Melrose, Dryburgh, and Newbattle, with the town of Edinburgh and the church of St. Giles. Holyrood Abbey was spared only at the intercession of the Duke of Lancaster. In the end the English army which was to have conquered Scotland, returned as it came, leaving the Scots and their French allies to effect their retreat into Scotland unmolested.

After this raid the French knights desired to return to their own country. They were much offended at the way in which they were treated by the lesser barons and common people among the Scots. But, says Froissart, "how to depart was the difficulty, for the barons could not obtain any vessels for themselves and men." The Scots were willing that a few poor knights should leave the country, and also that the men-at-arms might depart; but they insisted that the French barons, or the Admiral himself, should remain as pledges for repayment of the sums expended on their army. In this strait the French barons complained to the Earls of Douglas and Moray, who appeared to be sorely displeased with the conduct of their countrymen in dealing so hardly with the French. These two Earls remonstrated with the other Scottish nobles, who, however, advised them to dissemble with the French, for, said they, you have lost as well as we, and we will be recompensed. The Earls of Douglas and Moray then told the French that they could not prevail in the matter, and that if they wished to leave the country, they must pay damages. The affair was settled by the Admiral offering to recompense all damages; and transport being provided for the other knights, he remained in Scotland until the money was paid. When he took leave of the King of Scots, the Earls of Douglas and

Moray accompanied him to his place of embarkation for Flanders.[1] At what date Sir John de Vienne left Scotland is not clear, but the receipt for the subsidy sent from France to the Scottish king and nobles was granted on 16th November 1385. From the terms of the king's acquittance, it would appear that the money was paid, or at least fully paid, only on that day. If so, the policy adopted by the Scottish nobles of detaining the Admiral as security becomes intelligible. The shares of the Earls of Douglas and Moray, who throughout were so friendly with the French visitors, were respectively 7500 and 1000 francs d'or. The amount paid to the Earl of Douglas, which considerably exceeded the sum paid to any other noble, was probably regulated by the damage done to his territories, which suffered more than any other from the inroads of the English.[2]

According to the Scottish chroniclers, after the English army had wholly returned to their own land, the Scots remembered that a portion of Cumberland had remained unharried from the days of King Robert the Bruce. The Earl of Fife, with the Earl of Douglas and others, accordingly made a descent by way of the Solway Sands, and marched to Cockermouth, where the country was so rich and fruitful that they remained three days, continuously collecting captives, plunder, and spoils. One historian quaintly remarks: There was not one among the Scots so feeble but that, unless he were unwilling, he was able to fill his hands with good booty.[3]

For a time at least there was comparative peace between Scotland and England; and as to the events of the next three years, the chroniclers are silent. The movements of the Earl of Douglas during this period can be

[1] Froissart, Lord Berners' translation, vol. ii. pp. 31, 32; Johnes' edition, pp. 52, 53.

[2] Fœdera, vol. vii. pp. 484-486.

[3] Fordun, à Goodall, vol. ii. p. 403; Wyntoun, Book ix. c. vii. In one or other of these expeditions, probably the last, an Englishman, named Thomas Mildcomb, became captive to the Earl of Douglas, who fixed his ransom at 400 quarters of wheat, and one tun of wine, which he received permission to import from England. [28th July 1386. Rotuli Scotiæ, vol. ii. p. 85.]

traced chiefly by charters to which he was a witness, showing that he was usually in attendance at the Court. The business of most public moment in which he was engaged during the period in question was a Border truce which he and the Earl of March, as Wardens of the East Marches, entered into with the English Warden, John Neville of Raby, in the summer of 1386, the provisions of which were afterwards formally ratified by the English king.[1]

The other public transactions in which the Earl of Douglas appears as a party are of no special importance. The various royal charters to which the Earl was a witness are dated at intervals from 10th April 1386 to 15th May 1388, a few months before Otterburn.[2] During these years the Earl granted several private charters. One of these conferred upon Sir John Swinton of Swinton the lands of Tillicoultry, in Clackmannan, and of Clova, in Forfarshire;[3] probably on the occasion of his marriage with the Earl's mother, Margaret, Countess of Douglas and Mar. Another conveyed the lands and barony of Drumlanrig to his natural son, William Douglas, with reversion to his other natural son, Archibald, afterwards Laird of Cavers.[4]

[1] Truce dated 27th June 1386, at "Billymire," and ratified 1st August same year. Fœdera, vol. vii. pp. 526, 527; Rotuli Scotiæ, vol. ii. pp. 85, 86.

[2] The charters are dated 10th April, 10th July, and 18th November 1386, at Glasgow, Edinburgh, and Linlithgow; 7th January, 16th April, 6th October, and 19th October 1387, at Edinburgh, Kilwinning, and Scone; and on 15th May 1388, at Edinburgh. [Liber de Melros, vol. ii. p. 466; Registrum Honoris de Morton, vol. ii. p. 157; The Carnegies Earls of Southesk, by William Fraser, p. 496; Charters of St. Giles, p. 23; The Red Book of Menteith, by William Fraser, vol. ii. p. 268; Antiquities of Aberdeen, etc., vol. iv. p. 642; The Red Book of Grandtully, by William Fraser, vol. i. p. 4.]

[3] The Swintons of that Ilk, 1883, p. 12. The Earl's charter was confirmed by King Robert the Second on 2d August 1386.

[4] Original Charter at Drumlanrig. No date. This Earl also granted a charter in favour of Alexander Newton, of the lands of Little Newton, and others, in the shire of Berwick [Original Charter in H.M. Register House, Edinburgh], and another to Alan Lauder of certain subjects in the burgh of North Berwick [Carte de North Berwic, p. xxxvii.] The latter was issued from the Earl's Castle of Tantallon, of which Alan Lauder was then or afterwards constable.

The invasion of England, of which the chief event was the chivalric fight at Otterburn, was the result of a determination on the part of the Scottish nobles to revenge on a large scale the devastation committed by King Richard's army in 1385. The time was considered opportune because of the disputes between King Richard and his uncles, which had paralysed the Government of England, and further on account of a feud which had arisen between the Percys and Nevilles, occasioned by John Neville of Raby having been superseded as warden by Henry Percy. Their quarrel distracted the north of England, and this perhaps more than the other seems to have influenced the Scots, who, moreover, were anxious to test the new armour they had received from France. A large assembly of the nobles was held at Aberdeen, away from the English border, and also, it would appear, from the Scottish Court, for the king was averse to war, and it was resolved to gather a large army, the place of muster to be near Jedburgh. At the rendezvous there gathered a larger army than had been seen in Scotland for many a day, estimated by good authorities at upwards of forty thousand men.[1]

A few days previous to this invasion, on 27th July 1388, James, Earl of Douglas, was at Etybredshiels, one of his own manors, situated near the junction of the rivers Ettrick and Yarrow, near the modern residence of Bowhill belonging to his Grace the Duke of Buccleuch. He there granted a charter in favour of the monks of Melrose, confirming to them the advowson of the church of Great Cavers, gifted to them by his father. Among the witnesses to this charter were Sir Malcolm Drummond, the Earl's brother-in-law, Sir John Swinton, his stepfather, and Sir John Towers. The two last fought side by side with their chief at Otterburn, and Sir John Towers was slain on that fatal field.[2] From Etybredshiels the Earl of Douglas and his attendant knights probably rode out to the place of meeting.

[1] Froissart, Johnes' edition, vol. ii. p. 362.

[2] Transumpt dated 28th July 1442, vol. iii. of this work, pp. 71-73; Liber de Melros, p. 465.

The leaders, besides the Earl of Douglas, were the king's second son, Robert, Earl of Fife and Menteith, the Earls of March and Moray, Sir Archibald Douglas, Lord of Galloway, and other prominent Scottish lords. To finally settle their plans they met together in the little church of Southdean, near which their forces were encamped.[1] While they were engaged in deliberation, an English spy who had entered the building, was captured, and gave information which had an important effect on the plans of the Scots and on the fortunes of the Earl of Douglas. The spy was committed to safe custody that he might not communicate with his masters, and it was resolved that the army should invade England in two divisions. The bulk of the army, under the Earl of Fife and Sir Archibald Douglas, were to proceed by Carlisle, while a smaller division made for Durham. This division was to travel without baggage, and was intended as a flying column to engage the attention of the English Wardens, thus leaving the main body of the Scots to harry the country at their leisure. The Earl of Douglas was placed in command, but with him went the Earls of March and Moray, Sir James Lindsay, Sir John Sinclair, Sir Alexander Ramsay, Sir John Haliburton, Sir Patrick Hepburn, Sir John Maxwell, and a number of other knights all more or less distinguished. It was agreed that if the smaller party was pursued, the forces should unite and the whole army offer battle to the English.[2]

In the morning the Earl of Douglas and his small force[3] bade their

[1] Froissart, Johnes' edition, vol. ii. p. 362. Froissart styles this place of meeting "a church in the forest of Jedworth, called Zedon," which some historians have stated to be Yetholm. But a local antiquary [White, History of Battle of Otterburn, 1857] makes out a strong case for Southdean, situated as it is close to the Border, and locally called "Sooden." This view is corroborated by Godscroft, who describes the place of muster as "Suddan-Church in Jedworth forrest." [MS. History at Hamilton Palace.] This church is now in ruins.

[2] Froissart, vol. ii. p. 361.

[3] The number of the force under Douglas has been variously estimated—Froissart giv-

comrades an affectionate farewell, and passed rapidly over the four miles of Scottish ground between the Church of Southdean and the Redeswire, by which they would enter Northumberland. The exact landmarks by which they guided their course have been preserved in the old ballad, and may still be seen—Ottercops Hill, and Rothley Crags.[1] Passing these they swept down, without doing any mischief, until they crossed the Tyne above Newcastle, and penetrated as far as Brancepeth, in the county of Durham, or almost to the confines of Yorkshire. Here they commenced the work of devastation, harrying and burning towns and villages, and driving off cattle. So rapidly and silently was all this done, that the smoke of the burning hamlets was the first intimation to the English Wardens that the Scots were in their midst. The Earl of Northumberland, who was then at Alnwick, sent his two sons, Sir Henry (Hotspur) and Sir Ralph Percy, to Newcastle, to gather their forces there, while he kept Alnwick, in the hope of intercepting the Scots on their way homeward. The Wardens feared to make an immediate attack, as Douglas and his party were believed to be merely the advance guard of the large army which the Scots were known to have mustered.

Continuing their devastation, Douglas and his followers skirmished a little, it is said, under the walls of Durham, but made no stay there. They then recrossed the Tyne and came before Newcastle, where was assembled the military force of the neighbourhood, commanded by the two Percys, the Seneschal of York, Sir Matthew Redman, Governor of Berwick, and others. The Scots took up their position on the north side of the town, and a local antiquary describes the spot chosen as commanding an excellent view not only of Newcastle and its walls but also of the surrounding neighbourhood.[2]

ing 300 spears, or men-at-arms, and 2000 infantry—while Wyntown gives the number at 7000. Both may be correct, as the former historian may refer to the actual fighting men, and the latter probably includes their attendants and camp-followers.

[1] "The Battle of Otterbourne," Percy's Reliques, edition 1794.

[2] White's Battle of Otterburn, 1857, p. 26.

From this vantage ground Douglas and his men made frequent attacks upon the town. The Scots remained two, or, according to some accounts, three days before Newcastle, and during that time, says Froissart, there was an almost continual skirmish. The besiegers made at least one attempt to enter the town by scaling the walls, but owing to the insufficient length of their ladders, were beaten back. If the old ballad is to be believed, the besieged, in the most romantic spirit of chivalry, consoled their assailants for their repulse by letting down to them over the walls a pipe of wine.[1]

On the last day on which the Scots lay before Newcastle, they approached close to the barriers, where the two young Percys were generally to be found. Here the Earl of Douglas had a personal encounter with Sir Henry Percy. Froissart implies that it was in the rush of battle the leaders met and fought hand to hand, Percy being worsted. Other authorities state that "Hotspur," anxious to prove his valour, challenged or provoked the Scottish leader to single combat. Whatever the cause, the two leaders engaged, mounted on horseback, and ran a course together with sharp spears. The force of Douglas's onset drove Percy out of his saddle, and, though the English rescued their leader, Douglas captured his opponent's pennon. Waving this above his head, he cried out that he would carry it as his spoil into Scotland. Percy, grieved for his loss, strove to regain his pennon, but his friends, desirous for his safety, carried him off within the gates, protesting that Douglas should never accomplish his purpose. Sir Richard Maitland states that Douglas was the challenger, and provoked Hotspur to single combat, who then "did recountir the Erle of Douglas, bot was manfullie owircum and strikin down to the ground with the dynt of a speir; bot or the Erle off Dowglas could lycht apone him the Englis suddartts (soldiers) did cleik him vpe saufflie away to the toun."[2] Nothing is said of the pennon.

[1] "The Battle of Otterbourne," Percy's Reliques, edition 1794.

[2] MS. History at Hamilton Palace.

The night following this encounter the Scots kept strict watch, as they expected an attack by Percy, but nothing occurred. In the morning, probably the third after their arrival at Newcastle, Douglas broke up his camp and departed towards Scotland. He adopted this course, as the English were gathering from all sides to Newcastle, and he feared the real smallness of his force might be discovered. The road he and his men travelled probably corresponded to the present highway, as on their way northward they passed the tower of Ponteland. This tower, then held by Aymer or Adomar of Athol, a descendant of the ancient Scottish Earls of Athole, who had gone over to the English side in the Wars of Independence, the Scots attacked, made its lord a prisoner, and having burned the fortress, pushed on towards Otterburn, where they had resolved to encamp for the night.

Otterburn, according to a recent writer, "forms a kind of promontory, jutting out to the south-west from the high land behind; and to the Scots it commanded a good view, both up Redesdale and around the central part thereof for several miles. The tower of Otterburn was situated about a mile and a half below them; and they had an open prospect to the south-east, the direction whence they might reasonably expect the approach of the English. On the north the position of the Scots was somewhat exposed; but on the west and south it was closely surrounded by natural wood, of which some straggling birch trees and a few solitary remnants of the mountain-ash still grow at no great distance from the place. Upon the east side was the entrance; and this part was likewise shaded with underwood and trees."[1]

On reaching the intended site of their camp, which may formerly have served a similar purpose, the Scots erected their tents, or temporary huts, and fortified their position, placing their baggage and servants' quarters next the road towards Newcastle. They probably sent their cattle and horses to pasture in the neighbourhood, attended by the grooms or camp-followers.

[1] White's History of the Battle of Otterburn, 1857, pp. 30, 31.

The morning after their arrival, the Scots marched down to attack the tower of Otterburn, but failed to take it. On returning to camp, it was proposed that next day they should make an effort to join their countrymen, but, it is said, the Earl of Douglas opposed this plan, giving as a reason, that Percy ought to be allowed to retake his pennon, if possible. He therefore suggested waiting a day or two, and making another attack on the tower of Otterburn. To this all his comrades agreed, "for their honour, and for the love of him," and remained in camp, fortifying it more strongly.

In the meantime, Sir Henry Percy and his brother Ralph, much mortified at the insult done to their honour, were anxious to follow the Scots and retrieve the lost trophy. They were dissuaded from immediate action by the other English leaders, who believed Douglas and his force to be only the van of the whole Scottish host, with which they knew themselves unable to cope. But when the Scots marched towards Otterburn their small array was noted by the country people, and reported in Newcastle, with the news that they had halted for the night in such a manner as to indicate a lengthened stay. The Percys thereupon summoned their men with all haste, and set out with a force estimated at six hundred men-at-arms and eight thousand infantry, more than double the number of the Scots.

The evening was well advanced when the English came in sight of the camp where the Scots, not expecting an attack so late in the day, were resting, some at supper, others asleep. Yet they were not altogether unprepared, as their plan of action had been arranged in case of a sudden attack, a piece of forethought on which Froissart bestows much praise. In the hurry of arming, when the first onslaught was made, and the war-cry of "Percy, Percy," rang through the camp, it is said, part of Douglas's armour was left unfastened, and the Earl of Moray fought all night without his helmet. The Scots were fortunately favoured by a mistake made by the English in their attack. Percy and his men reached the neighbourhood of

the Scottish camp unnoticed in the gathering shades of evening, and halted, it is believed, on a rising ground which lay to the left of the camp, towards Newcastle, where arrangements for the onset were made, as Hotspur resolved to lose no time, not even to rest his followers. He detached a small force under Sir Thomas Umfraville and his brother to pass on his own right to the northward of the Scots, and cut off their retreat, or to attack the Scots in rear, while they were engaged with Percy.[1] Sir Henry Percy then led the main body over the rising ground, straight towards the entrance to the camp, which, as already stated, was on the eastern side, where also the plunder was piled, and the servants were lodged, whose huts, in the twilight, the English mistook for those of their masters. This delayed them, for not only was the camp well fortified, but the servants made a stout defence, and as the alarm and the English war-cries sounded over the camp, Douglas and his fellow-leaders had time to make their dispositions for resistance.

The first move was to despatch a body of infantry to the aid of the servants, to keep the English engaged. The rest of the Scots ranged themselves under their three principal leaders, who each knew what to do. The English soon drove back the servants, but as they forced their way further into the camp, they found themselves still steadily opposed. In the meantime a large body of the Scots, under the Earl of Douglas, left the camp in silence, drew off towards a rising ground on the northward, and marching rapidly round, fell suddenly on the flank of the English, with shouts of Douglas! Douglas! This unexpected attack, made, as Wyntown asserts, by no fewer than twelve displayed banners, disconcerted the English; but they rallied bravely, and formed into better order. The war-cries of the leaders now resounded on every side, and as the moon was shining, the combat increased in intensity.

Froissart, who wrote from the account of eye-witnesses and combatants, says that at the first encounter many on both sides were struck down. The

[1] White, Battle of Otterburn, p. 37; Wyntown, B. IX. c. viii.

Englishmen kept well together, and fought so fiercely, that the Scots were at first driven back. Then the Earl of Douglas advanced his banner, to which the banner of the Percys was soon opposed, and a severe fight raged in which the Scots had rather the worst, and even the Douglas pennon was for a time in danger. Knights and squires, says the historian, were of good courage, and both sides fought valiantly: cowards there had no place. The combatants met so closely that the archers could not use their bows, but the battle was waged by hand-to-hand conflict. The leaders especially were emulous of victory. When the weight and numbers of the English made their foes give way, the Earl of Douglas, "of great harte, and hygh of enterprise," seized his battle-axe, or, according to some, a heavy mace, with both hands, and rushed into the thick of the fight. Here he made way for himself in such manner that none dare approach him, and went forward "lyke a hardy Hector, wyllynge alone to conquere the felde, and to dyscomfyte his enemyes." He was well supported by his followers, who, inspirited by the prowess of their noble leader, pressed upon and forced back the English, though fighting was difficult in the dim light. At last, the Earl was encountered by three spears at once; one struck him on the shoulder, another on the breast, "and the stroke glented downe to his belly." The third spear struck him on the thigh, and sore hurt with all three wounds, the hero was by sheer force borne down to the ground. As he fell he was struck on the head with an axe, and round his body the press was so great that no aid could be given to him, while a large number of the English in retreat marched over him.

Fortunately, when the Earl was struck down, his rank and identity were unrecognised by the English, or the issue of the conflict might have been very different. The English falling back, those Scottish knights who had closely followed Douglas came up to the spot where their leader had fallen. Beside him lay one of his personal attendants, Sir Robert Hart, while the Earl's chaplain, Richard (or William) Lundie, defended the body of the

prostrate hero.[1] The Earl's kinsman, Sir James Lindsay, with Sir John and Sir Walter Sinclair, were the first to reach their chief. The scene which followed is one of the most affecting in the annals of chivalry. When asked how he did, the dying Earl replied, "Right evil; yet, thank God, but few of my ancestors have died in their beds. I am dying, for my heart grows faint, but I pray you to revenge me. Raise my banner, which lyeth near me on the ground; shew my state neither to friend or foe, lest mine enemies rejoice and my friends be discomfited." So saying, the Earl expired, with his war cry sounding in his ears, as Sir John Sinclair raised the fallen pennon, and his friends renewed the fight, first covering their leader's body with a mantle.[2]

Obeying the last words of the brave Douglas, his friends shouted his name with increased energy, as if he were still in the forefront of the fray. They pressed upon the foe with vigour, being reinforced by the Earl of Moray and his men, who, attracted by the shouts of "Douglas! Douglas!" rallied to the cry, and so stoutly did the Scots follow the banner of the slain Earl, that the English were driven back far beyond where his body lay. And this, indeed, was the last charge, and virtually decided the contest in favour of the Scots, as the English, tired with their long journey from Newcastle, though they had fought valiantly, now began to break their ranks, and in a short time were in full retreat. In another part of the field also, the strenuous efforts of the Earls of March and Moray had turned the tide of conquest, and Sir Ralph Percy was a prisoner.

[1] Froissart and Godscroft both say he was the same or next year made Archdeacon of Aberdeen, but this is disproved by the fact that the poet Barbour was then and for some years afterwards, Archdeacon of that diocese.

[2] This account of the Earl's last words is taken from Lord Berners' Froissart, which gives the simplest and most probable account. The later editions give a longer speech, and Godscroft adds the reference to the prophecy of a dead man winning a field, which reads like a traditional afterthought. Wyntown, again, and Barry (quoted by Bower), say that the death of the Earl of Douglas was wholly unknown to the Scots until after the field was won, when they found his body among the slain. But Froissart's account was received from actors in the conflict.—Vol. ii. pp. 395-399.

Of the other incidents of the battle, the surrender of Sir Henry Percy, the retreat of Sir Matthew Redman, his pursuit and capture by Sir James Lindsay, the capture of the latter in turn by the Bishop of Durham, and all the other adventures of the knights engaged, it is not necessary here to speak, for they have often been related. It is not known exactly at what hour the conflict began, but Froissart states that the field was clear of combatants before the day broke. He adds that the Scots drew together, which probably means that they gathered to their respective standards from pursuit of Percy's broken army. There is some probability that the conflict was of short duration. The Bishop of Durham, who arrived at Newcastle on the evening of the battle, set out after supper, with a considerable array, to aid the Percys, but had not advanced far until he was met by fugitives from Otterburn. This seems to imply that the event had been very quickly decided.

Froissart states that of the English about one thousand and forty were taken or slain on the field, and upwards of eight hundred in the pursuit, while more than a thousand were wounded. The Scots, he says, had one hundred slain, and two hundred made prisoners—the latter chiefly because of their impetuosity in pursuit. The number of prisoners taken by the Scots was very great, and the amount of their ransoms equalled 200,000 francs. But the rejoicing on this account, and because of the victory, was greatly mingled with sorrow at the death of the Earl of Douglas. His body was placed on a bier, and borne on the second day after the battle to the Abbey of Melrose. There his funeral obsequies were performed with due ceremony two days later, and he was buried under a tomb of stone, over which his banner was left to wave.

Of the character of this Earl of Douglas, not much can be said, for his career was so short, and so little is known of him, that no just estimate can be formed regarding him. Even the historian of his family, Hume of Godscroft, finds little to say, except repeated references to his youth, his

virtue, and his valour. That he was brave, like his namesake the Good Sir James, and that like him he possessed the qualities of a good military leader, is proved by the skill with which he conducted his last expedition, selected his last camp, and by the manner in which he met his death. Whatever censure he may merit for exposing himself and his small body of men to the attack of the English for the sake of Percy's pennon, is to be judged by the laws and customs of chivalry as then understood. It cannot be said that he died in defence of his country. Froissart admired the battle of Otterburn, because it was a well-fought field, and because of the many doughty deeds done by knights and squires on both sides. For the same reason it commended itself to minstrels and poets on both sides the border, and the ballads to which it gave rise were sung with such fervour, as to move hearts "more than with a trumpet," according to Sir Philip Sidney's oft-quoted saying. Yet it may be regretted that the services of one so high in rank and young in years, were thus lost to his country in a battle which arose out of a mere point of chivalric honour, and from which no national benefit resulted.

The pennon captured by Douglas with such fatal consequences is said to be preserved, with the Earl's armour and other relics, in the family of Douglas of Cavers. Bishop Percy, in his contribution regarding the Percy family to the Peerage of England by Collins, expresses a belief that the flag at Cavers was only an ancient standard of one of the Earls of Douglas, as it is inscribed with their own motto, "Jamais arriere," and adorned with their own insignia, viz., the bloody heart, etc. It is true, he adds, there is also a white lion introduced, which, if it has any relation to any badge of the Percys, may have been inserted in defiance of that family, as if this trophy was wrested from them according to the fantastic laws of chivalry.[1]

[1] Collins's Peerage, vol. ii. pp. 346, 347. Sir Walter Scott, in his notes to the battle of Otterburn, printed in his Minstrelsy of the Scottish Border, vol. i. p. 346, apparently adopts this view, and states that the banner of Douglas was borne by his natural son,

A representation of a flag, said to have been the one preserved at Cavers, is given in the Border Antiquities, vol. ii. p. 208, which so far bears out Bishop Percy's description. But, it has been asked, "Is it not quite likely that the lion of the Percys was the original adornment, and that the captors of the pennon or banner added the insignia of Douglas as a means of setting their own mark upon a trophy of which they had so much reason to be proud?"[1] This view of the matter is not improbable, and is borne out by the fact that in the representation of the flag, the lion is evidently the principal figure, while the stars and heart of Douglas are not arranged according to heraldic blazon, but in a mere fanciful manner distributed over the field. The tradition is therefore probably correct.

The Earl of Douglas had scarcely been laid in his tomb when a question arose as to certain of his possessions. These were the castle and barony of Tantallon, regarding which the Earl of Fife, who was superior of the lands, made a motion in a general council, held at Linlithgow, on Tuesday, 18th August 1388.[2] The proceedings, in so far as they related to the deceased

Archibald Douglas, ancestor of the family of Cavers, "among whose archives this glorious relic is still preserved." But Archibald Douglas of Cavers could have been but a mere youth at his father's death, and in any case he was Laird of Cavers for many years after Otterburn, whereas the bearer of the Earl's banner was slain. The banner itself was left drooping over its owner's tomb, though it may have been removed later.

[1] White's History of the Battle of Otterburn, Appendix, Note I. p. 130.

[2] Acts of the Parliaments of Scotland, vol. i. p. 555. This date is of great importance in fixing the date of the battle of Otterburn, as to which great confusion exists, no fewer than six separate and distinct days being assigned to it by various writers. Froissart says the 15th August; Bower, Knighton, Holinshed, and by far the greater number of writers assert that the battle was fought on St. Oswald's day, or Wednesday, the 5th August. But the frequent references of Froissart and others to the moon point to a different date. Buchanan places the original muster on 5th August, and founding on this and also on the fact, known by calculation, that the moon was new on the 6th, a recent writer describes the expedition, and finally fixes the date of the battle as Wednesday evening, the 19th August, chiefly, it would appear, because the moon was then full. [White's History of the Battle

Earl, arose from the fact that he left no surviving heirs-male. As narrated in the previous memoir, the Earls of Douglas held the castle of Tantallon and barony of North Berwick in tenandry of the Earl of Fife. In consequence of the death of Earl James, the castle and lands fell into the hands of Robert, Earl of Fife and Menteith, who ought, in accordance with feudal custom, to have gone in person to receive them. He pleaded the cares of State as an excuse for not performing this duty, and on his application, the king wrote to the freeholders and inhabitants of the barony of North Berwick, and the keeper and constable of Tantallon Castle, directing them to obey the Earl of Fife in all things, and to render up the fortress to him.[1] At a later date the Earl of Fife was appointed Guardian of the kingdom, and in regard to North Berwick, provision was made that the claims of the heirs of the Earl of Douglas should be respected, if made. It was also provided that seeing these claims fell to be heard in the Guardian's own Court, the king should have power to interpose any authority necessary on their behalf.[2]

of Otterburn, Appendix, Note J. p. 133.] This view, however, is disproved by the date of the council, which must have taken place some days after the battle. Besides, it is improbable, for obvious reasons, that the Scots were more than a week in England; and, accepting the 5th August as the day of muster, and allowing a week for the rapid inroad of the Scots, their two days' stay at Newcastle and march to Otterburn, this places their arrival there on Tuesday afternoon, the 11th August, if, as is generally asserted, the battle was fought on a Wednesday evening. The moon being new on the 6th, it could not have given much light on the 12th, which agrees with the account given by Froissart, who is most minute in his references to the moon. He implies that it shone only in the early part of the night, that the combat was for the most part fought in dim light, and that the moonlight failed altogether during the pursuit, which took place some time before daybreak. Six days would suffice for intelligence of the Earl's decease being carried to the main body of the army, the assemblage for his funeral at Melrose, where his body lay in state two days, and for the journey of the nobles from Melrose to Linlithgow. The 12th of August seems therefore the proper date to assign to the famous conflict of Otterburn.

[1] Acts of the Parliaments of Scotland, vol. i. pp. 555, 565.

[2] *Ibid.* p. 556. 11th December 1388.

In November of the same year, the ward of the lands of Westerkirk and Stablegorton (or Langholm) were bestowed upon Sir James Douglas of Dalkeith, until the true and lawful heir of James, Earl of Douglas, should recover sasine of the lands.[1] This grant probably lapsed after the following April, when Sir Archibald Douglas, Lord of Galloway, produced in Parliament a charter of entail of these and other lands of the deceased Earl, and his right to them was recognised. This charter of entail included the lands of Douglasdale, the forest of Selkirk, Lauderdale, Bedrule, Eskdale, Stablegorton, Buittle in Galloway, and others of less importance, in which the Lord of Galloway was infeft as lawful heir of entail.[2] The lands of Liddesdale and of Jedburgh forest passed along with the lands of the earldom of Mar to Isabel Douglas, sister of Earl James, as stated in the previous memoir.

The latest references to James, Earl of Douglas, in charters, are in two documents which assign lands to the clergy on behalf of his soul. One is a charter by Richard of Hangingside, Laird of that Ilk, in which certain lands in Lauderdale are bestowed on the monks of Kelso, primarily for the benefit of the granter and his relatives, but also for the souls of James, Earl of Douglas, his father, Earl William, and of the then Earl of Douglas, Archibald the Grim.[3] In the other the Earl's sister, Isabel, Countess of Mar and Lady of Garioch, resigned her right to a carrucate of land in Kynalchmund in favour of the monks of Arbroath, for the souls of her father and mother, William and Margaret, Earl and Countess of Douglas, and of her brother Earl James.[4]

James, second Earl of Douglas and Mar, married, as already stated, about the year 1373, the Princess Isabel Stewart, daughter of King Robert the Second. About a month after the Earl's death the Sheriff of Selkirk was

[1] 8th November 1388. Registrum Honoris de Morton, vol. ii. p. 161.

[2] Acts of the Parliaments of Scotland, vol. i. pp. 557, 558.

[3] *Circa* 1398. Liber de Calchou, vol. ii. p. 411.

[4] 27th May 1403. Registrum Nigrum de Aberbrothoc, p. 47.

directed to give his widow her proper terce of all the Earl's lands within his jurisdiction.[1] The Countess married, as her second husband, Sir John Edmonstone, knight, ancestor of the Edmonstones of Duntreath, and the annuity of 200 merks, which the Earl of Douglas held from the customs of Haddington, was paid to them from 1390 until her death about 1410.[2] They had also a charter of the lands of Ednam.[3]

By the Princess Isabel, the Earl of Douglas had one son, who died in early infancy, and whose name has not been recorded.[4]

James, Earl of Douglas and Mar, had two natural sons, William Douglas, ancestor of the Douglases of Drumlanrig and Dukes of Queensberry, and Archibald Douglas, ancestor of the Douglases of Cavers. They are both named in the charter by their father granting to William, and failing him to Archibald, the lands of Drumlanrig.[5] Archibald Douglas received a grant of the lands of Cavers from his aunt Isabel Douglas, styled Countess of Mar, sometime before 1405, for in that year King Robert the Third bestowed the lands on Sir David Fleming of Biggar, on the plea that they were alienated without the Royal consent.[6] But on 30th November 1412, while still a prisoner in England, King James the First confirmed the charter by Isabel in favour of Douglas, and his descendants still possess the lands.[7]

The second Earl of Douglas had also, there is reason to believe, a natural daughter, Elinor, who married Sir William Fraser, second of Philorth. On their marriage Sir William Fraser received a charter from Isabel Douglas, Countess of Mar, of the lands of Tibbertie and Utlaw in the shire of Banff.[8] From them the present Lord Saltoun is descended.

[1] Liber de Calchou, vol. ii. p. 408 ; 20th September 1388.

[2] Exchequer Rolls, vol. iv. p. 120.

[3] *Ibid.* p. clxiii.

[4] History of the Houses of Douglas and Angus, edition 1644, p. 92.

[5] Original Charter at Drumlanrig.

[6] Original Charter at Cavers.

[7] Old copy Charter, *ibid.*

[8] Antiquities of Aberdeen, etc., vol. iii. p. 576 ; The Frasers of Philorth, vol. i. p. 122.

VI.—3. SIR ARCHIBALD DOUGLAS, THIRD EARL OF DOUGLAS, LORD OF GALLOWAY, SURNAMED "THE GRIM."

JOANNA MORAY OF BOTHWELL, HIS COUNTESS.

1388—1400.

JAMES, second Earl of Douglas and Mar, as already stated, was succeeded in Douglasdale and other family estates by his kinsman, Sir Archibald Douglas, lord of Galloway, called also "the Grim, or Terrible,"[1] who became third Earl of Douglas. The parentage of Sir Archibald has been much discussed. Godscroft leads the van of confusion among historians on the subject by stating that there were three Archibalds almost contemporaneous. These he distinguishes as first, Archibald, brother to William, first Earl of Douglas, and lord of Galloway; second, Archibald, natural son to the Good Sir James, who was at Poitiers, and died in France; and third, Archibald the Grim, brother of the second Earl of Douglas, and his proper heir.[2] But these three Archibalds are one and the same person, the natural son of the Good Sir James.

That Archibald, third Earl of Douglas, was the son of the Good Sir James has been denied, but the fact is proved by one of his own charters conveying lands to the monastery of Holywood, for the soul of his father, Sir James

[1] Sir Richard Maitland alleges that this Earl was "callit Archibald Grym be the Englismen, becaus of his terrible countenance in weirfair." [MS. History at Hamilton Palace.] He perhaps inherited his father's expression of visage.

[2] Houses of Douglas and Angus, edition 1644, p. 107.

Douglas.[1] Where his true parentage was known, or surmised, the reason of his succession to the Douglas title and estates has been a subject of much ingenious conjecture, especially among those historians who believed that George Douglas, first Earl of Angus, was a lawful son of William, first Earl of Douglas. Lord Hailes, who held that Archibald the Grim was not the brother of James, second Earl of Douglas, was ignorant of his real parentage, and assigned a "capricious entail" as the reason of his succession. Without entering into the many theories on the subject, it may be said that Lord Hailes was so far right. The name of Archibald Douglas, son of the late James, lord of Douglas, was inserted in the charter of entail of the Douglas estates following on the resignation of Hugh, lord of Douglas, in 1342. This charter was produced by Sir Archibald Douglas before the Scottish Parliament in 1389 as his title to the estates, and in right of it he succeeded.[2]

The age of Sir Archibald Douglas at the time of his father's death in 1330 has not been ascertained, but he was probably very young, as he makes no appearance in any historical record until about twenty years afterwards, except in the entail of 1342, and he survived his father for seventy years.

The first reference to Archibald Douglas "the Grim" made by the Scottish chroniclers is in 1356. With his kinsman, William, lord of Douglas, and many other Scottish knights and esquires, Archibald Douglas passed over to France, and was present at the battle of Poitiers, where he was taken prisoner.[3] This is all that Fordun relates, but Bower and another chronicler tell an amusing story of his escape from his captors. They state that when young Archibald, called "Blac Archibalde," son of Sir James Douglas, was taken prisoner, it was not known who he was, but as he wore very splendid armour, his captors believed him to be some great lord. Late in the evening

[1] Registrum Magni Sigilli, vol. i. p. 106, No. 56.

[2] Acts of the Parliaments of Scotland, vol. i. pp. 557, 558.

[3] Fordun, Annalia, edition 1871, vol. i. p. 377, *note*.

after the battle, when the prisoners met in the lodging in the town of Poitiers, Sir William Ramsay of Colluthie, seeing Douglas, and desirous to effect his release, looked on him, and, as if in a great passion, exclaimed, O treacherous rascal, why have you stolen the armour of your lord, my cousin? Cursed be the hour in which you were born; for he sought you the whole day, and not finding you in camp, going forth unarmed, was slain by a flying arrow.[1] Come here, and pull off my boots. Douglas carried on the farce, approached in a trembling manner, and kneeling down, pulled off one boot, with which Ramsay beat him about the head. The English interposed, assuring Ramsay that Douglas was certainly the son of some great noble. No, said he, he is a scullion and a rascal. Then, to Douglas, he added, Go, you villain, to the field, and search among the slain for your master's body, that it may have at least a decent burial." He then ransomed the feigned serving-man for forty shillings, and striking him again, bade him begone. Douglas bore the buffets patiently, and made his escape as quickly as possible; for, "if the English had known who he was, they would certainly not have liberated him for his weight of gold."[2]

The danger of a captivity in England being thus avoided, Archibald Douglas returned home, only to fall, a few months later, into the very calamity he had escaped. The circumstances leading to this imprisonment, which was but temporary, cannot be clearly ascertained. Douglas, along with a companion, William of Tours, received a safe-conduct to pass to London or Canterbury.[3] A week previously, they and some others had been made the

[1] The same writer here adds, "For that Archibald was dark, nor was he comely in countenance, but more resembled a cook boy (coco) than a noble."

[2] Fordun, à Goodall, vol. ii. p. 358; Liber Pluscardensis, edition 1877, vol. i. p. 300. These authors tell the same story, differing somewhat in details; their narratives are combined in the text. The Liber Pluscardensis states that "because Archibald Douglas was a bastard, his friends held him cheap."

[3] Rotuli Scotiæ, vol. i. p. 817. 16th November 1357.

subject of a special application to the English king. The Bishops of St. Andrews and Brechin had concluded a truce with England in May 1357, and they now demanded from King Edward the Third that Archibald Douglas and others who had been seized, and were then (in November) captives in England, should be released without ransom, as they had been taken in time of truce.[1] The prisoners were ordered to be released on bail, and a commission was appointed to inquire into their detention. Arbiters were named to investigate the charge made by Douglas, and two years later, during which time Douglas was more than once in England, the English king issued a mandate that justice should be done, and the sum exacted for ransom repaid.[2]

During the interval between the battle of Poitiers and his detention in England, Archibald Douglas received the rank of knighthood. He is described as "Archibald Douglas, chivaler," in the safe-conduct already referred to, which is the earliest document in which the title is applied to him. He may have been knighted at Poitiers, but he is not named among those who then received that honour.[3] In the beginning of the year 1359, though he had a safe-conduct to England, he was at Edinburgh in the middle of March. About 1361 he was appointed Constable of the Castle of Edinburgh, and held that important post until about the year 1364, at a yearly fee of two hundred merks.[4] During his occupancy, repairs on the fortress were executed to the amount of £200, distributed between Whitsunday 1363, and the same term and Martinmas in the following year.[5]

Sir Archibald Douglas, it would appear, held also the office of Sheriff of Edinburgh.[6] In this capacity he was frequently in attendance upon the Court

[1] Rotuli Scotiæ, vol. i. p. 817. 8th November 1357.

[2] *Ibid.* pp. 826, 833, 837, 838.

[3] Fordun, edition 1871, vol. i. p. 377, *note.*

[4] Exchequer Rolls, vol. ii. pp. 92, 166, 176. Sir Archibald is named in a charter about 1361, by a burgess of Edinburgh, founding masses for the souls of the Earl of Douglas, Sir Archibald, and others. [Charters of St. Giles, p. 12.]

[5] Exchequer Rolls, vol. ii. p. 131.

[6] Charters of St. Giles, p. 8.

between 1361 and 1364, as proved by his witnessing royal charters at Arbroath, Spynie, Edinburgh, and elsewhere during that period.[1] In the beginning of 1363 or earlier, took place the insurrection headed by the High Steward and William, Earl of Douglas, against King David the Second. But as Sir Archibald Douglas retained his official appointments and attended the Court, it is evident he adhered to the king, and, as one of the royal council, he witnessed, on 14th May 1363, the final submission of the Steward and his sons at Inchmurdach.[2]

In April and November 1364, Sir Archibald Douglas had safe-conducts to England, but apparently only used the second of the two.[3] In August of that year, he was acting as warden of the West Marches of Scotland, and entered into a formal arrangement with the lieutenant of the English Earl of Hereford as to Lochmaben Castle. A considerable portion of Annandale was then in possession of the English, and between 1360 and 1363 had been bestowed on Humphrey Bohun, Earl of Hereford. He died about 1372, and in a question as to the succession of his daughters to Annandale and other lands, Edward the Third found it necessary to ratify the contract made in 1364. The terms of the agreement are not narrated, but seem to have referred to the rents and services of the free tenants round the castle.[4]

In January of the following year, Sir Archibald Douglas was in his place in the Parliament at Scone on 13th January 1364-5, when the Scottish nobles and people resolved to make special concessions to secure peace with England.[5] In consequence of their overtures, the truce between England and Scotland was continued for four years, and Sir Archibald seems to have

[1] Charters of St. Giles, pp. 11, 15, 19; Cartulary of Inchaffray, p. xlvi; The Red Book of Menteith, by William Fraser, vol. ii. p. 249.

[2] Fordun, à Goodall, vol. ii. p. 369.

[3] Rotuli Scotiæ, vol. i. pp. 882, 886. He was at Perth in July 1364. [Antiquities of Aberdeen, etc., vol. iv. p. 374.]

[4] Agreement, dated 24th August 1364, quoted Rotuli Scotiæ, vol. i. p. 957.

[5] Acts of the Parliaments of Scotland, vol. i. p. 495.

availed himself of this fact, to set out on a pilgrimage to the shrine of St. Denis, in France.[1] He was again in Scotland in January 1367, when he was at Perth with the king.[2] In September of the same year Sir Archibald is named as one of those appointed to secure the truce on the West Marches,[3] and in the same month he was present at a Parliament held at Scone, which directed its efforts to dealing with the patrimony of the crown.[4]

In June of the following year, Sir Archibald Douglas was again present in Parliament. The subject of the Marches formed part of their deliberations, and Sir Archibald was, by special appointment, continued in his office of warden of the West Marches. During the same Parliament he was also defendant in a dispute with Robert Stewart, lord of Menteith. The latter demanded from King David the Second that justice should be done as to a terce due to the complainer's wife, Margaret, Countess of Menteith, from certain lands held by Sir Archibald Douglas. Sir Archibald, he said, had lately at Aberdeen promised to his Majesty to be present at that Parliament and arrange the matter. Douglas, on being questioned, said that whatever was right or reasonable, or what he had promised to the king, he was willing and ready to do, but he did not believe that he was bound by law or promise to appear in the present Parliament for the arrangement referred to. Yet, if it pleased his Majesty, or if the law or custom of the realm required the matter to be arranged now, he was quite willing to agree, notwithstanding the shortness of time. The lord of Menteith repeated his statement that Sir Archibald had promised to settle the matter in this Parliament. The issue was, that the king on consulting with those who were present at Aberdeen, decided that Douglas had promised to appear at this Parliament, in connection with the case, only if he were legally required, and the parties were

[1] Safe-conduct, 16th October 1365, Rotuli Scotiæ, vol. i. p. 897.

[2] Registrum Magni Sigilli, vol. i. p. 50.

[3] Acts of the Parliaments of Scotland, vol. xii. p. 14.

[4] *Ibid.* vol. i. p. 501.

dismissed to pursue the matter, as a point of common law, in the ordinary courts.[1] This sentence was ordered to be recorded, but the affair appears to have been amicably settled, as no breach of friendship took place between the parties.

Sir Archibald Douglas also acted in Parliament as one of the committee for the barons.[2] He was present as one of the king's council, when, on 20th July 1369, in the Castle of Edinburgh, King David the Second signed the important treaty with England which secured to both kingdoms a fourteen years' truce,[3] and, with the other barons present, bound himself to observe the terms of this treaty. In the previous month Sir Archibald Douglas chartered a ship to trade between Scotland, England, and Ireland, for the purchase of victuals and other necessaries, for which he obtained from the English king a safe-conduct to endure for one year.[4]

The district of Galloway had always been a troublesome appanage of the Scottish crown. During the Wars of Independence the Galwegian chiefs sided with Baliol and the English party, but were defeated by Edward Bruce and Sir James Douglas, and forced to submit to King Robert Bruce.[5] The lordship of Galloway was then bestowed by the king upon his brother Edward, who was killed in Ireland in 1318. After the usurpation of Edward Baliol, Galloway again showed signs of insurrection, and after the battle of Durham in 1346, the chiefs openly went over to the English king. In 1353, however, William, first Earl of Douglas, compelled them to return to their allegiance to the Scottish crown, and they had since remained faithful.[6] As the Douglases had done so much to bring this turbulent district into submission to the Government, and as Sir Archibald Douglas had probably

[1] Acts of the Parliaments of Scotland, vol. i. p. 505.

[2] *Ibid.* p. 506. 6th March 1369.

[3] Rotuli Scotiæ, vol. i. p. 939.

[4] *Ibid.* p. 932; vol. iv. of this work, p. 7.

[5] In the year 1308. Chronicon de Lanercost, p. 212.

[6] Fordun, à Goodall, vol. ii. p. 356; Rotuli Scotiæ, vol i. p. 761.

shown that those qualities which earned him his soubriquet of "the Grim," were eminently fitted to control the restless Galwegians, King David the Second bestowed upon him all the lands of Galloway, extending between the Cree and the Nith, as formerly held by the king's uncle, Edward Bruce. These boundaries include the present Stewartry of Kirkcudbright. Sir Richard Maitland states that he received Galloway "becaus he tuke grit trawell to purge the cuntrey of Englis blude," and the charter, which is dated 18th September 1369, refers to the diligent labour and grateful service of the grantee.[1]

A few years later Sir Archibald Douglas acquired, under special circumstances, the remainder of Galloway, from the Cree to the western shore of Wigtownshire. This portion of Galloway, now forming the shire of Wigtown, had been granted, in 1342, to Sir Malcolm Fleming of Cumbernauld, with the title of Earl of Wigtown. After Earl Malcolm's death he was succeeded by his grandson, Thomas Fleming, to whom King David the Second, on 26th January 1367, confirmed and restored the earldom of Wigtown.[2] Thomas, Earl of Wigtown, however, held his territory only a few years, and in 1372 sold the whole earldom to Sir Archibald Douglas, lord of Galloway east of the water of Cree.[3]

The reasons assigned by the Earl of Wigtown for thus disposing of his extensive territory were the great and serious discords and deadly feuds which had arisen between him and the more powerful natives of the earldom. Earl Thomas is said to have been of a dissipated character, and, at least, he was apparently too weak to govern a district which had always needed the grasp of an iron hand. According to local tradition, the new lord of Galloway was not one whose sway was a mere form. A recent writer implies

[1] MS. History at Hamilton Palace; Registrum Magni Sigilli, vol. i. p. 69, No. 233.

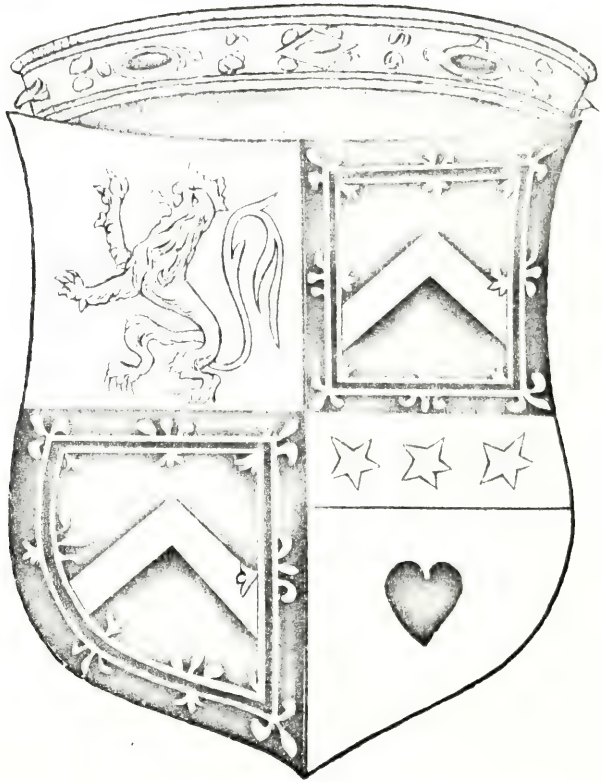
[2] Registrum Magni Sigilli, vol. i. p. 51, No. 154.

[3] Charter, dated 8th February 1372, and confirmed by King Robert the Second 7th October same year. Registrum Magni Sigilli, vol. i. p. 114, No. 5.

The lord of galloway of auld



Dowglas Erle of Lowyston



that it was very despotic, for as overlord he demanded that the proprietors should produce their written titles or accept charters from himself.[1] As by local custom the Galwegians had from an early period enjoyed special privileges[2] and claimed to hold their lands by inheritance and not by charter, they probably in some cases resented the demand. Yet such a demand was natural; and if the character given to Sir Archibald Douglas by a contemporary be reliable, he was just, if rigorous, in his judgments, and faithful to his promises,[3] qualities fitted to win him respect among a turbulent vassalage. In any case, he and his successors were able to rule Galloway, and from his time that district gave no trouble to the Scottish crown. The Earl of Wigtown's charter was afterwards confirmed by the king.

The grant of territory bestowed in 1369 on Sir Archibald Douglas may have been given, not only in consideration of his abilities in suppressing disorder, but also as a reward for a delicate service in which he apparently engaged, during the month of May 1369. This was an embassy to France. No particulars of this mission have been preserved, except the expenses paid to the ambassadors, but there is reason to believe that it was occasioned by the appeal of Queen Margaret Drummond to the Papal See. This ambitious woman had been divorced from her husband, King David the Second, by a decree of the Scottish bishops, some time in March 1369.[4] She immediately carried her case to Pope Urban v. at Avignon, and gained his ear so successfully that the Scottish Court was somewhat alarmed for the result. Ambassadors were at once despatched to Avignon, and to the French Court, Sir Archibald Douglas being sent to the latter place evidently to request the intervention of the king of France on behalf of

[1] "The Agnews of Lochnaw," 1864, pp. 49, 51.

[2] Acts of the Parliaments of Scotland, vol. i. pp. 482, 551.

[3] Fordun, à Goodall, vol. ii. p. 429.

[4] *Ibid.* p. 379; cf. Exchequer Rolls, vol. ii. p. 346.

the king of Scotland.[1] The result of his particular mission is not known, but the proceedings at the Papal Court ended in the triumph of Margaret, and Scotland, even after King David the Second's death, was threatened with an interdict. Large sums were expended on these embassies, the one to which Sir Archibald Douglas belonged costing £1466, 13s. 4d., besides £223 paid to Sir Archibald himself for surplus expenditure.[2]

The embassy to France took place in May, and was apparently followed by a visit of French envoys to Scotland.[3] But Sir Archibald Douglas had returned to his own country before July 1369. Two days before he received the charter of Galloway, he was appointed auditor and executor for the monks of Melrose, to uplift the dues granted to them by King Robert the Bruce, under circumstances already detailed in the life of Sir James Douglas.[4] Sir Archibald Douglas was also present, a few months later, in the Parliament of February 1370, and again at the last Parliament of King David the Second in October of the same year.[5] He appears indeed to have attended at Court almost to the very close of the king's life, as he witnessed a royal charter at Edinburgh, on 26th January 1371, and King David died there on the 22d of the following month.[6]

King Robert the Second was crowned at Scone on 26th March 1371, in the presence of the prelates and nobles, who, on the following day, did homage and swore fealty to the new king. For some reason Sir Archibald Douglas and the Bishop of Dunblane are distinguished from the other magnates, as giving their oath of fealty only, but Sir Archibald is also named among those who by their acclamations hailed the declaration that John, Earl of Carrick (afterwards King Robert the Third) was next heir to the throne.[7]

[1] Exchequer Rolls, vol. ii. pp. 344, 356.

[2] *Ibid.* p. 356.

[3] *Ibid.* p. 348.

[4] Acts of the Parliaments of Scotland, vol. i. p. 533; *antea*, p. 156.

[5] Acts of the Parliaments of Scotland, vol. i. pp. 534, 537.

[6] The Lennox, by William Fraser, vol. ii. p. 37; Fordun, à Goodall, vol. ii. p. 380.

[7] Acts of the Parliaments of Scotland, vol. i. pp. 545, 546.

Two days later Sir Archibald Douglas received from King Robert a special commission as ambassador to the Court of France "to swear on the king's soul" for the renewal, amplification, and closer observance of the ancient league of friendship formerly made between the kings of France and King Robert the Bruce.[1] In the discharge of this commission, Sir Archibald Douglas, Walter, bishop of Glasgow, and others proceeded to France, and the result of their labours was a treaty signed by King Charles the Fifth of France, at his castle of Vincennes on 30th June 1371, and by King Robert the Second on the 28th October following.[2] In connection with this embassy, Sir Archibald received the large sum of £521, 6s. 8d. as personal surplus expenditure incurred in France, and while waiting for a ship.[3]

While active in serving his country abroad, Sir Archibald Douglas did not forget his own interests at home, and on the eve of his departure for France, entered into an arrangement with King Robert the Second of a somewhat peculiar nature. Sir Archibald had married, some years previously, Joanna, daughter and heiress of Thomas Moray, lord of Bothwell, and through his wife had become lord of Bothwell, and of extensive possessions in the north of Scotland. To provide against contingencies during his absence, Sir Archibald Douglas obtained a grant of all the casualties due to the Crown from the lands and offices of his wife. If she died without issue, the king renounced all right in her heritable estate, and declared that Sir Archibald Douglas and his heirs should hold the same as freely as did the predecessors of Joanna of Moray.[4]

[1] Acts of the Parliaments of Scotland, vol. i. p. 559.

[2] Original Treaty, in French, in General Register House, Edinburgh, printed in Exchequer Rolls, vol. iii. pp. xcvii-civ; Latin translation, preserved by Bower [Fordun, à Goodall, vol. ii. pp. 392-395]. This treaty was considered to be so important and complete, that it was formally renewed and ratified without alteration by King Charles the Sixth of France in the year 1391. [Exchequer Rolls, vol. iii. p. civ.]

[3] *Ibid.* vol. ii. p. 363.

[4] Registrum Magni Sigilli, vol. i. p. 87, No. 305. 31st March 1371.

From the time of his acquisition of Galloway, Sir Archibald Douglas received in royal charters and public documents the title of Lord of Galloway. Some time between 1369 and June 1372, as an act of filial affection, perhaps also as a thank-offering for his accession of territory, Sir Archibald, as lord of Galloway, made a special grant of lands to the Monastery of Holywood in Dumfriesshire. This religious establishment on the border, though not within the bounds of Galloway, received much attention from the lords of that territory. It is said to have been an offshoot of the Abbey of Soulseat, near Stranraer, which itself owed existence to Fergus, lord of Galloway, who became, about 1160, a monk of Holyrood.[1] Holywood, or the Monastery of the Sacred Grove (Sacrinemoris), was, it is said, founded about one hundred years later by Devorgilla Baliol, lady of Galloway.[2] Edward Bruce, brother of King Robert the First, during his brief possession of Galloway, built a house at Holywood, and Sir Archibald Douglas now emulated the pious deeds of his predecessors.

Sir Archibald dedicated his grant to the monastery for the weal of the souls of King Robert Bruce, his brother Edward, King David the Second, and of his own father Sir James, lord of Douglas. In memory of these he founded and instituted an hospital of poor persons with a chapel, for feeble and infirm to be received into that hospital, and into the house which Edward Bruce had built within the confines or bounds of the monastery of Holywood.[3] For the upholding of the hospital and for the

[1] Spottiswood's Religious Houses, Keith's Bishops, p. 398.

[2] Statistical Account of Dumfriesshire, p. 558.

[3] Registrum Magni Sigilli, vol. i. p. 106. The preamble of King Robert the Second's confirmation charter, which is dated at Stirling on 2d June 1372, implies that Edward Bruce had built a chapel within the monastery; the charter of foundation says simply a house. It is probable that during the troublous times from 1333 to 1350 the buildings of the monastery had suffered damage, and Sir Archibald Douglas's charter was virtually a new foundation.

support of "Christ's poor" there to be maintained, the founder applied the lands of Crossmichael and of Troqueer in his lordship of Galloway, betwixt the Dee and the Nith. This grant was to be free of all dues exigible by Douglas or his successors, being burdened only with a sum of five shillings to be paid yearly to the abbot and convent of Holywood, so long as the hospital stood within their bounds. The conditions of benefit and management are carefully laid down in the charter, and are of some interest.

Sir Archibald Douglas, evidently in right of his wife, possessed the property or superiority of considerable estates in the shires of Aberdeen, Forfar, and Kincardine.[1] One of these estates was Arbuthnot, the actual proprietor of which, Philip Arbuthnot, had married Margaret Douglas, a daughter of Sir James Douglas of Dalkeith. The laird of Arbuthnot resigned his land into the hands of his superior, and Sir Archibald Douglas, as lord of Galloway and of Bothwell, regranted, in October 1372, the lands to Philip and his wife and their heirs. The lands are to be held of Sir Archibald and the heirs to be born betwixt him and his spouse Joanna, whom perchance failing, of the nearest heirs of Joanna. The same expression is used in another clause, and the tenor implies that the superiority of Arbuthnot belonged to Sir Archibald's wife, as heiress of Bothwell. The resignation was made in the presence of a numerous audience, and the regrant given at Balncrefe or Ballincrief, a manor of Sir Archibald Douglas, near Gosford, in East Lothian.[2] In April of the following year, Sir Archibald Douglas was present in Parliament, and was one of those

[1] Archibald, fourth Earl of Douglas, son of Sir Archibald, resigned, in 1409, the barony of Cortachie, which had belonged to his predecessors, and was probably inherited through his mother, the heiress of Bothwell. [Registrum Magni Sigilli, vol. i. p. 237, No. 37.]

[2] Charter, dated 25th October 1372. [Registrum Honoris de Morton, vol. ii. pp. 97, 98.] In a charter, not dated, but confirmed by King Robert II. on 31st December 1378, Sir Archibald Douglas, lord of Galloway and Bothwell, granted to Sir Alexander Fraser, knight, an eighty merk land in the lordship of Aberdour, in Aberdeenshire; to be held of the granter and his heirs, whom failing, of Joanna his spouse, and her heirs of the lordship. [The Frasers of Philorth, by Lord Saltoun, vol. ii. p. 218.]

magnates who swore upon the Gospels to observe the Act which entailed the succession to the Scottish throne upon the sons of King Robert the Second.[1]

Though Sir Archibald Douglas is not again named in any record of great public importance until the year 1384,[2] he yet appears more than once during the interval on the page of history. The peace with England, which nominally was to endure for fourteen years from 1369, was frequently infringed on both sides of the Borders. As warden of the West Marches, Sir Archibald Douglas took his share in the efforts made to keep the truce. In August 1372, he addressed a letter to King Edward the Third, in answer to one from him, requesting postponement of a warden meeting on the Marches. Douglas agreed, but charged Percy and the deputy English wardens with connivance at breaches of the truce, and suggested inquiry.[3] His advice was ultimately taken, and he was one of those appointed on the Scottish side to confer with the Duke of Lancaster and other English commissioners to arrange a settlement.[4] About the same time, in September 1377, Sir Archibald used his influence with the English king to obtain a safe-conduct for a number of merchants from the west and south of Scotland to

[1] 4th April 1373. Acts of the Parliaments of Scotland, vol. i. p. 549.

[2] In 1375 he witnessed three royal Charters; two at Perth in January, and a third at Aberdeen in June. [Registrum de Morton, vol. ii. pp. 111, 113; Antiquities of Aberdeen, vol. ii. p. 351.] In another document, dated in November of same year, Sir Archibald is named, along with his kinsman, William, first Earl of Douglas, and James, the son of the latter, as a particular ally of Robert, Earl of Fife and Menteith, the king's second son. [The Red Book of Menteith, by William Fraser, vol. ii. p. 260.]

[3] 1st August 1372. [Vol. iv. of this work, pp. 56, 57.] This letter is dated from Brent Isle, in Galloway. Brent Isle has been supposed to be Buittle, but Buittle was at this date in possession of the first Earl of Douglas. Macpherson, in his Geographical Illustrations of Scottish History, states that Brent Isle was a castle in Loch Fergus, Galloway. There was a castle of the ancient lords of Galloway built on an island in Loch Fergus, which is now wholly ruinous. Sir Archibald Douglas at a later date resided at Thrieve, but he may, during the building of that fortress, have used the castle in Loch Fergus.

[4] 27th September 1377. Rotuli Scotiæ, vol. ii. p. 3.

trade in England for a year. These, it would appear, were to furnish wines and other victuals for Sir Archibald's own household.[1]

At a later date Sir Archibald Douglas took part, with his kinsman, the first Earl, in the expedition towards Melrose, directed against a party of English under Sir Thomas Musgrave, when the Scots performed the night march so graphically described by Froissart, and already narrated. According to the historian, Sir Archibald held the honourable post of Constable of Scotland, though no other evidence of the fact has been obtained. He also, it is said, was very active in urging succours to be sent to those Scots who had taken Berwick. On the surrender of that town, Douglas and his comrades withdrew to the Lammermoors, but soon afterwards, according to Froissart, made the march towards Melrose. When the historian describes the skirmish between the English troops, under Sir Thomas Musgrave, and the Scottish forces, he gives a vivid picture of the onset, and the conduct therein of Sir Archibald Douglas. There began, he says, a fierce encounter; archers began to shoot, and men-at-arms began to stir. The Scots were so numerous that the archers could not take heed in every place; between the parties there was many a goodly passage of arms, and many a man thrown to the earth; many taken and rescued again. Sir Archibald Douglas was a mighty knight, and much feared by his enemies. When near the English, he lighted down on foot, wielding a long sword, with a blade two ells in length. Too heavy for any other man to lift easily, this weapon was for him light enough, and with it he gave such strokes that whosoever he hit went to the earth, and not the hardiest of the English could withstand his strokes. The English were defeated, and Sir Thomas Musgrave and his son were taken captive.[2]

[1] Rotuli Scotiæ, vol. ii. pp. 2, 3.

[2] Froissart, Lord Berners' edition, vol. i. pp. 506, 507. Wyntown and Bower state that Sir Thomas Musgrave was defeated by Sir John Gordon, and, as stated in a previous memoir, the order of events as narrated by Froissart is doubtful; but his narrative is valuable for the vivid description he gives of the prowess of Sir Archibald Douglas.

On 1st November 1380, Sir Archibald Douglas was present at Berwick, and, with other Scottish commissioners, concluded a truce with the Duke of Lancaster, which some months later was ratified between the Duke and the Earl of Carrick, to last until Candlemas 1384,[1] when the truce of 1369 expired. In the following summer the Duke of Lancaster became for a time the guest of the Scottish nation, and Sir Archibald Douglas is named as one of those who were most attentive to the distinguished visitor.[2] He was at Wigtown in October, and there, as lord of Galloway, affixed his seal to a charter by William, Earl of Douglas, granting to the monks of Whithorn 20 merks yearly from the lands of Myrtown.[3]

Sir Archibald Douglas is first named as warden of the West Marches of Scotland in 1364, though he may have held the office earlier.[4] He seems to have performed his duties faithfully, and to have had considerable influence with the English wardens. If the silence of historians be any indication he does not appear to have joined his kinsman, the Earl of Douglas, in his raids across the Border. The skirmish with Musgrave took place in Scotland. How Sir Archibald Douglas fulfilled his duties as warden is shown by a codification of his laws which was put in writing many years afterwards by his grandson, William, eighth Earl of Douglas.

In December 1448, Earl William assembled at Lincluden the whole freeholders and the oldest borderers, and required them upon oath to put in

[1] Rotuli Scotiæ, vol. ii. pp. 29, 30, 38, 39.

[2] Wyntown's Cronykil, B. IX. c. iiii.; Fordun, à Goodall, vol. ii. p. 396. During the same year Sir Archibald Douglas received, by order of King Robert the Second, a sum of £77, 15s. 7d. in payment or part payment of a debt due by Sir Alexander Stewart of Badenoch, the king's son, and the same amount in the following year, though the reason of the gift is not stated. [Exchequer Rolls, vol. iii. pp. 81, 659.] In 1384 Douglas received a further sum on behalf of Sir Alexander Stewart, amounting to £35, 15s. In 1391 he received a further sum, the amount of which is not stated, on account of a debt due to him by the king.—[*Ibid.* pp. 279, 673.]

[3] Registrum Magni Sigilli, vol. ii. p. 450. note.

[4] Rotuli Scotiæ, vol. i. p. 957.

writing the statutes and customs of the Marches in time of war, which had been ordered to be kept in the days of "Blak Archibald of Douglas" and of his son the fourth Earl. The borderers furnished the information desired, and Earl William ordered the laws of the Marches to be duly recorded. The document is both interesting and important, and is printed in the appendix to the Scottish Acts of Parliament of the period. They were probably the result of Sir Archibald's own experience. Most of the laws are general regulations as to the conduct of the troops in action, the taking of prisoners and dealing with them and their goods, lighting and responding to beacons, etc.[1]

Besides his office of warden, Sir Archibald Douglas acted as Justiciar for the king. He was holding court as such at Dumfries in July 1383, when, among other suitors, appeared the cellarer of the abbey of Melrose, with a charter in his hand and a petition on behalf of his fellow-monks. He read the charter in court, which was a confirmation by King Robert the Second of a grant in 1326 by King Robert the Bruce to the monks of Melrose, relieving them and their possessions in Dumfriesshire from all taxes, and begged Sir Archibald Douglas to direct his officers to permit the enjoyment of this privilege. Sir Archibald inquired from the barons of the country who attended as assessors, if there was any objection to the privilege; and there being none offered, the lord of Galloway, turning to the barons, said, "As you have nothing to propose to the contrary, neither have I, nor do I wish at present to say aught in opposition. My will is, that my servants do not presume to do aught unjustly in the premises."[2]

On the expiry of the truce at Candlemas 1384, or a few days before its close, Sir Archibald Douglas was again in the field. Accompanied by the two other Scottish wardens, the Earls of Douglas and March, he suddenly presented himself and his host before the castle of Lochmaben, then held by

[1] Acts of the Parliaments of Scotland, vol. i. pp. 714-716.

[2] Liber de Melros, vol. ii. pp. 455-457. 14th July 1383.

the English, and demanded its surrender. Sir Archibald is expressly described as the promoter of the expedition.[1] The castle of Lochmaben lay within his jurisdiction, and though in 1364 he had entered into an agreement with the English custodier of the castle, which apparently had been observed,[2] he now, on the conclusion of the truce, was moved by other considerations. His own Galwegian vassals, it is said, complained of the great damage done them by the English castellans of Lochmaben, and being informed that the castle was altogether destitute of defenders and of provisions, Sir Archibald Douglas besieged it. The castellan, astounded by the suddenness of the attack, and alarmed by the weakness of his garrison and scarcity of supplies, sent to the English wardens to come speedily to his succour. They advised him to hold the castle for eight days, either by truce with the Scots or otherwise, and if on the ninth day he did not receive aid, he should defend himself the best way he could. He then informed the Scots that within eight days he would be succoured or surrender the castle, receiving assurance of life and limb. Sir Archibald Douglas and his comrades desisted from the assault, but remained on the alert in the neighbourhood of the fortress until the ninth day, notwithstanding very stormy weather. On that day, the 4th of February, no succours arriving, the Scots took the castle and razed it to the ground.[3]

Sir Archibald Douglas is not named as taking part with his kinsman, the Earl of Douglas, in his other military expeditions, but his diplomatic talents were employed in negotiating a truce between Scotland and England, to last from July 1384 till the following October.[4] The commissioners of both

[1] The movements of Sir Archibald Douglas and his brother wardens must have been remarkably prompt. Sir Archibald and the Earl of Douglas were with the king at Perth on 18th January 1384.—[Charters of Holyrood, p. 100.] Lochmaben surrendered, it is said, on 4th February, and the Scots lay near it ten days or more.

[2] Agreement made 24th August 1364; renewed and ratified by English king, 12th March 1373. Rotuli Scotiæ, vol. i. p. 957.

[3] Wyntown, B. ix. c. v.; Fordun, à Goodall, vol. ii. p. 397.

[4] Rotuli Scotiæ, vol. ii. p. 64.

kingdoms met in the church of Ayton, on the 7th of July, but beyond the agreement made, their labours were of no special interest.

A few months later Sir Archibald Douglas was present in the Parliament held at Holyrood in November 1384, which bestowed upon the Earl of Carrick power to reform the northern portions of the kingdom, which, owing to the turbulence of the chiefs, were almost in a state of anarchy. Bands of plunderers or *katherans* traversed the country, and committed all manner of crimes. The Parliament passed various Acts with a view to enforce order, and those nobles who governed districts which claimed special laws or privileges, expressed their willingness to aid in the general repression of crime. Galloway, from a very early period, had possessed special laws, but Sir Archibald Douglas promised to omit all delays and excuses usually made, and to accelerate justice within his lordship for a specified time, reserving, however, certain privileges of the Galwegian law, and protesting for the free use of his right and the law in question.

The special right here claimed may refer to the settlement of disputes by wager of battle, a custom which prevailed in Galloway from the time of King William the Lion. The judges of Galloway then enacted that no Galloway man should have *visnet* (or trial by inquest) unless he refuse the law of Galloway and crave *visnet;* and they fixed the fine to be paid by any Galloway man convicted of crime either by battle or some other way, and the provisions for the proper conduct of the ordeal by duel.[1] A change took place about 1324, when King Robert Bruce granted to the chieftains and men of Galloway to be tried by an assize, instead of purging themselves according to the old laws of Galloway.[2] In 1426 the special privileges of that district were abolished by an Act of Parliament, which provided that

[1] Acts of the Parliaments of Scotland, vol. i. pp. 378, 747; Robertson's Scotland under her Early Kings, vol. i. p. 284, note.

[2] Acts of the Parliaments of Scotland, vol. i. p. 482.

the king's lieges should be governed by the laws of the realm only, and not by special laws.[1] But in the time of Sir Archibald Douglas the ancient customs still prevailed, and in other parts of Scotland as well, if the clan duel on the North Inch of Perth in 1396 be accepted as a genuine instance of ordeal by battle.

In March 1385, Sir Archibald Douglas, as warden of the Marches, entered into an agreement with the English warden, Henry Percy, Earl of Northumberland, already noticed in the memoir of James, second Earl of Douglas and Mar. Neither party seems to have been present at the final adjustment of this affair, but their signets were affixed in absence.[2] For his expenses on days of truce, on which the wardens of both sides of the Border met to arrange questions of compensation, Douglas received a grant from King Robert the Second.[3]

In the various expeditions which were made into England during the visit of Sir John de Vienne and the other French knights to Scotland in 1385, Sir Archibald Douglas took a prominent part.[4] The story of the French visit has already been told. In the Scottish raid into England which ended so fatally at Otterburn, Sir Archibald Douglas also bore his share. Along with the Earl of Fife, he commanded the main division of the Scottish

[1] Acts of the Parliaments of Scotland, vol. ii. p. 9.

[2] Rotuli Scotiæ, vol. ii. p. 73.

[3] He was paid in 1388 the sum of £33, 6s. 8d., and the same sum a year later. [Exchequer Rolls, vol. iii. pp. 691, 239.] Between 1385 and 1387 Sir Archibald took by force from the sheriff of Lanark, the castle wards payable to the Crown from the baronies of Crawford Lindsay and Cormannock, in Lanarkshire, the first amounting to 20s. and the second to 40s. yearly, and complaint was made to the Crown, but the matter appears to have been arranged amicably. [*Ibid.* pp. 162, 164.]

[4] The sum which was paid to Sir Archibald from the money brought by Sir John de Vienne amounted to 5500 francs d'or. [Fœdera, vol. vii. p. 485.] Sir Richard Maitland in his MS. History makes the raid on Cockermouth an independent foray by Sir Archibald Douglas, but this view is not corroborated by other writers.

army, which invaded the western Marches of England. Little is recorded of their movements, except that they did much damage, burning and destroying the country, until they received the news of Otterburn, and the death of the Earl of Douglas. Wyntown and Bower state that the Earl of Fife and Sir Archibald Douglas, during their expedition, were joined by the natural son of the latter, Sir William Douglas of Nithsdale, who, with a small force, had returned from an unsuccessful descent on Ireland. Bower adds that the new comers were received with much cordiality, and he draws a vivid picture of the vicissitudes of camp life, by representing the soldiers as laughing and joking together over their successes, which was changed into grief and mourning when next morning the unhappy news of the death of the Earl of Douglas at Otterburn was made known.[1]

On the death of his kinsman, as already related, Sir Archibald Douglas, by virtue of the resignation and regrant of 1342, succeeded to Douglasdale and other Douglas estates, while the unentailed lands fell into other hands. Sir Archibald did not at once assume the title of Earl of Douglas, but took steps to complete his infeftment in the lands. His succession, however, was disputed, but it was settled in a full Parliament held at Holyrood in April 1389, eight months after the death of Earl James. The first article in the minutes as preserved, refers to Sir Malcolm Drummond, husband of Isabella Douglas, sister of Earl James. Sir Malcolm had apparently claimed a portion of the Douglas estates to which he had no right, and had procured from Chancery a brief for seising him in the lands of Selkirk Forest. This was declared wholly null and void, and the Chancellor was censured for issuing the letters to Sir Malcolm.[2]

A few days later Sir Archibald Douglas presented in Parliament a royal charter on his own behalf, which made it evident that Douglasdale, the

[1] Wyntown's Cronykil, B. IX. c. viii. ; Fordun, à Goodall, vol. ii. p. 404.

[2] Acts of the Parliaments of Scotland, vol. i. p. 557.

Forest of Selkirk, and other lands named, fell to Sir Archibald by entail. It was then declared that Sir Archibald Douglas was legally infeft, and that claimants of the lands should proceed by ordinary process of law. But all sasines given in violation of that charter were declared, by decree of Parliament, utterly void and powerless against Sir Archibald and his heirs.[1]

After the capture of the two young Percys at Otterburn, the Earl Marshal of England had been made warden of the English Marches. On taking office, he reproached the English borderers for allowing the Scots, though fewer in number, to gain a victory at Otterburn, and he boasted of what he would do in similar circumstances. His vauntings were reported in Scotland, and in order to give the Marshal an opportunity of making his words good, Robert, Earl of Fife and Menteith, then Guardian of Scotland, accompanied by Sir Archibald Douglas, marched a considerable force into England. Sir Richard Maitland, after remarking that Robert, Earl of Fife, "luifit this Erle sa weill that thai never syuerit cumpanye fra other during the tyme of his government," says that Fife, by the advice of Douglas, entered England with a large army, to test the Earl Marshal's boasting, either by single combat or set battle. A challenge to single combat, either with the Earl of Fife or Sir Archibald Douglas, was sent to him, but the Marshal refused both champions.[2] The Marshal, according to Bower, also declined a pitched battle, on the plea that he dared not without orders risk the liegemen of his king. This provoked the ridicule of the Scots, who took advantage of his inactivity to ravage and pillage the country before returning to their own land.[3] An English historian, referring to this inroad, exculpates the Earl Marshal on the ground that his forces were unequal to those of the Scots, he having only five hundred lances, while his challengers numbered thirty thousand.[4] This

[1] Acts of the Parliaments of Scotland, vol. i. pp. 557, 558.

[2] MS. History at Hamilton Palace.

[3] Wyntown, B. ix. c. ix.; Fordun, à Goodall, vol. ii. p. 414.

[4] Walsingham, edition 1574, p. 368.

invasion, though the date is not recorded, seems to have taken place in the summer of 1389.[1]

In June of the same year a truce was agreed upon between England and France and their allies, to last for three years. As this truce affected Scotland, two envoys were despatched from France to the Scottish Court, who probably arrived there about the middle or end of July.[2] With them came also messengers from the King of England to ascertain the views of King Robert the Second, and, if necessary, to receive his oath for observance of the truce. An incident which occurred on the arrival of the envoys in Scotland seems to mark the peculiar esteem in which Sir Archibald, now Earl of Douglas,[3] was held by the English. The Scottish King and Court were then residing at Dunfermline, where the envoys also found lodging. The Frenchmen were received by King Robert with great friendliness and honour, but the English ambassadors found less favour, at least among the people, who murmured, and the Scots, it is said, yearned for war. Upon this the Englishmen applied to Sir Archibald Douglas, and, urging the good of peace, begged that he would use his influence with the king to join the truce. Sir Archibald, however, declined, saying, that such a matter was not within his province, but belonged only to the king and the governor, and he courteously sent them to the latter, who in turn referred them to the king. To the royal presence, therefore, the Englishmen went, in company with the French envoys, by whose influence the affair was satisfactorily concluded.[4]

[1] The Earl Marshal was appointed warden on 8th March 1389, to take office from the 1st June following.

[2] Truce, 18th June 1389. Safe-conducts for French and English ambassadors to Scotland, 3d July. Fœdera, vol. vii. pp. 622-631.

[3] Sir Archibald witnesses a charter on 12th August 1389 at Dunfermline, and a month later at Kilwinning, as Earl of Douglas and lord of Galloway. Antiquities of Aberdeen, etc., vol. ii. p. 31; vol. iii. p. 296.

[4] Wyntown, B. IX. c. ix.; Fordun, à Goodall, vol. ii. p. 415. The lord of Dalkeith, in 1390, executed an elaborate will, settling his affairs, a will which he repeated with some alterations two years later, though he long survived both

The peace which was begun in 1389 was settled on a more enduring basis in 1391, in terms of the treaty with France, arranged by Sir Archibald Douglas himself in 1371, and was prolonged by successive renewals until 1399. During this interval of rest, the Earl of Douglas figures only occasionally on the page of history. On one of these occasions, the Earl performed a duty which sometimes devolved on the wardens of the Marches—acting as umpire at a duel between representatives of both kingdoms. Such encounters sometimes attracted considerable attention, as, in a similar case in 1380, when a duel was fought between Robert Grant, a Scotchman, and Thomas de l' Strother, an Englishman, on a day fixed by the famous John of Gaunt, Duke of Lancaster.[1] In the present case, the Englishman, who was also named Thomas Strothers, was the challenger, and the defender was a Scotchman, named William Inglis. The duel took place at Rulehaugh, within the barony of Bedrule, belonging to the Earl of Douglas, and he and the English warden, the Earl of Northumberland, were judges of the

testaments, dying only in 1420. In his first testament, Sir James Douglas appointed the Earl of Douglas and others curators to his children, a provision omitted in the second will. But, under the earlier document, the Earl of Douglas was to receive the following jewels: A gold ring, in which was a ruby placed "endlang," bearing the inscription, *Vertu ne pus auoir conterpois;* a sapphire which purified the blood, and had a stalk of gold; and the donor's second best gilt cup, with a cover, weighing £8. In the second will the sapphire is bequeathed to the testator's oldest son James. In both testaments, however, the Earl is named as one of the chief executors, and £40 was left to those who intromitted with the estate. [Registrum Honoris de Morton, vol. ii. pp. 170-176, 179-186.] At a later date, the Earl of Douglas entered into a special arrangement with the lord of Dalkeith and his son, Sir James Douglas, as to certain lands within the lordship of Galloway. The lord of Dalkeith, in settling his affairs, had requested permission to infeft his son in the barony of Preston and a forty merk land within the barony of Buittle, now in possession of the Earl, who duly granted his special leave to carry out the infeftment, reserving the ward or relief of the lands in question. [*Ibid.* p. 190. This document was granted by the Earl at Edybredshiels, on 29th May 1393.]

[1] Rotuli Scotiæ, vol. ii. p. 29.

combat, in which the English champion was slain.[1] In the year 1395, also, the sum of £100 was paid to the Earl of Douglas for his expenses regarding a diet of truce to be held on the Marches, which was not held.[2] The Earl's activity on the Borders, and especially his vigilance over certain parts, seems to have given much offence to the English warden. Wyntown relates that in an important meeting at Haudenstank between Prince David, Earl of Carrick, and John, Duke of Lancaster, in March 1398, at which the Earl of Douglas and young Percy were present, Percy complained that Douglas had fixed his headquarters in Jedburgh Forest, and prayed the Earl of Carrick that the forest might be given up to himself, as he had been wont to quarter there. But the prince promptly replied he would not, for a thousand pounds, bid the Earl of Douglas leave the forest. It was the territory of the king of Scotland, and Douglas did right to fix his residence there.[3]

About the same time a question of possession arose as to four oxgates of land within and without the town of Dunipace, within the Earl's barony of Harbertshire, in Stirlingshire, which were claimed both by the abbey of Cambuskenneth and John Keir. At the instigation of the latter, the Earl of Douglas for some time displaced the abbot and convent in their occupancy, but afterwards, on inspection of the charters produced by them, he, as overlord, expelled Keir, and caused the monks to be reinstated in their property.[4]

[1] Fordun, à Goodall, vol. ii. p. 420; Liber Pluscardensis, vol. i. p. 332.

[2] Exchequer Rolls, vol. iii. p. 371.

[3] Wyntown's Cronykil, B. ix. c. xviii. Wyntown is the only writer who tells this story. The meeting took place, as he describes, at Haudenstank [Fœdera, vol. viii. p. 35], but the Earl of Douglas and Percy are not referred to as parties to the indenture then made. They might, however, be present.

[4] Thirty years later the question was reopened by John Keir's son, and the Abbot of Cambuskenneth appeared in presence of a number of persons in the cemetery of the church of Dunipace, and declared what had formerly taken place. He stated that the sasine in favour of the abbey was missing, and as he was afraid of a dispute with John Keir, younger, though the monks had peaceably held the land for twenty-six years, he begged that if any bystanders were present at the giving of sasine, they would, for charity's

The Earl's friendliness to the Church must have been widely known. A few years before this he received an urgent letter from the prior of Durham, begging his assistance in inducting, and maintaining Mr. John Aclyf their presentee as prior of Coldingham in opposition to a rival. In this epistle the Earl's zeal for the Church is specially referred to.[1]

In April 1398, the title of Duke was for the first time introduced into Scotland, when King Robert the Third conferred upon his son, Prince David, the title of Duke of Rothesay, and upon his brother, the Earl of Fife and Menteith, the title of Duke of Albany. The king, it is said, desired also to create the Earl of Douglas a duke, but he declined to accept the dignity. The historians nearest his own day, Wyntown and Bower, do not refer to the fact, but a somewhat later author, who wrote about 1461, records the incident. He states that Earl Archibald refused the dignity on the ground that his lordship was not sufficiently valuable to bear the title of duke, and when the heralds cried out to him, "Schir Duk, Schir Duk," he replied, saying, "Schir Drak, Schir Drak," and would accept only the title of earl.[2] Godscroft states that Douglas "refused the title of duke as a novelty and an empty title, not worthy of the accepting, seeing it was neither bestowed for merit nor service done, nor had any real advantage in it, save an airy show of appearing honour to please the humour of ambitious minds, of which he was none."[3]

In the beginning of 1399, the Scottish Parliament, assembled at Perth, passed what may be called a vote of censure upon the king and his officers for

sake, give their evidence. Six persons responded to the appeal, and stated that they were present at the infeftment, and knew that the abbot had possessed the lands for the time specified. To this testimony two witnesses added that before the sasine was given, they heard the Earl of Douglas say that neither he nor any one else had any right to the lands, but that they belonged, by heritable right, to the abbey alone. [21st January 1426-7. Cartulary of Cambuskenneth, Grampian Club, 1872, pp. 114-116.]

[1] Priory of Coldingham, Surtees Society, 1841, pp. 67, 68. 12th March 1391.

[2] Liber Pluscardensis, edition 1877, vol. i. p. 331.

[3] History of Houses of Douglas and Angus, edition 1644, pp. 111, 112.

misgovernment, and the young Duke of Rothesay was appointed lieutenant of the kingdom for three years, under the direction of a special council, of which the Earl of Douglas was a member. He was also a member of a special committee appointed to decide as to the maintenance of peace with other countries.[1] The third Earl of Douglas was also present in the Parliament held in November 1399.[2]

In the following year, which was the last of his life, little or nothing is recorded of his movements.[3] No notice is taken of him by any historian in connection with the invasion of Scotland by King Henry the Fourth of England in August 1400; and Bower's narrative, if read literally, would imply that the Earl's death preceded the English invasion. Wyntown, however, places the invasion first.[4] Other authors have stated the Earl's decease in February 1401, but this is contradicted by charter evidence.[5] The true date appears to be that stated in a MS. chronicle written in the beginning of the sixteenth century, which records that Black Archibald, Earl of Douglas, died at Thrieve on Christmas Eve 1400, and was buried at Bothwell.[6]

One of the latest acts of the Earl, which somewhat qualifies Hume of Godscroft's statement as to his unambitious character, was to secure the

[1] Acts of the Parliaments of Scotland, vol. i. pp. 572, 573.

[2] *Ibid.* p. 574.

[3] He was at Bothwell in the month of May, and there granted a charter to William Crawford of the lands of Douglas-ferme, on the bank of the Clyde, to the east of the town of Rutherglen. [Charter, dated 21st May 1400; Transumpt, dated 9th July 1454, in General Register House, Edinburgh.] He also witnessed two royal charters, one at Linlithgow on 4th June, and the other at Renfrew on 5th October 1400. [Antiquities of Aberdeen and Banff, vol. i. p. 290; vol. iii. p. 363.]

[4] Wyntown, B. IX. c. xxi.; Fordun, à Goodall, vol. ii. p. 429.

[5] Charter by Joanna, widow of the third Earl of Douglas, to her son, the fourth Earl, before 9th February 1401, printed in "The Swintons of that Ilk," 1883, App. Nos. X. and XI.

[6] Gray's MS. Chronicle, Advocates' Library, quoted in Mr. Riddell's "Stewartiana," p. 97.

marriage of his daughter, Mary, with the Duke of Rothesay, the young Prince of Scotland. Bower narrates that the Duke had been betrothed to Elizabeth, the daughter of George, Earl of March, who had paid a considerable sum as her dowry. But the Earl of Douglas, taking advantage of the fact that this marriage was contracted without the consent of the three estates, at the suggestion of the King's council, offered a larger sum of money, and the king consented that his son should marry the Earl's daughter. According to Sir Richard Maitland, the Earl of Douglas was covetous of a royal alliance, and desirous to have his family honoured by a union with the king's blood; and, therefore, under the pretext of lack of due ceremony, made impediment, and having won over the council, offered, as stated, a larger dowry with his own daughter.[1] The prince was then betrothed to Mary Douglas, and the marriage was solemnised within the church of Bothwell, during the last year of the Earl's life. Between this second betrothal of the prince and the marriage, the Earl of March went to the king and demanded the fulfilment of the first contract, or, at least, that the dowry should be repaid. The king's reply was not satisfactory, and the Earl, enraged beyond bounds, left the kingdom, and joined the king of England.[2] The latter's invasion of Scotland was probably instigated by March.

Archibald, third Earl of Douglas, must have been upwards of seventy years old when he died, and it was probably consciousness of his approaching end which led to his additional benefactions to the Church. The College of Lincluden, in the same neighbourhood as the hospital at Holywood, also received the Earl's favour, but at what date is not on record. This beautiful

[1] MS. History at Hamilton Palace.

[2] Fordun, à Goodall, vol. ii. p. 428. It would appear that so early as 1393 an attempt was made by the English king to undermine the allegiance of both the Earls of March and Douglas. Ambassadors were sent to treat with the Earl of March as to service to be done by him during his life for the English king, and similar letters were intended for Douglas; but no results apparently followed at that time. [Fœdera, vol. vii. p. 755.]

place, situated within the Earl's own lordship of Galloway, is said to have been founded by an ancient lord of that district, and was, at least so early as 1296, occupied as a nunnery of Benedictine or Black nuns. At a later date the nuns were removed by Earl Archibald, who erected the building into a collegiate establishment, consisting of a provostry and twelve canons. At the Reformation, it is said, the building contained a provost, eight prebendaries, twenty-four beadsmen, and a chaplain. The prebendaries received forty-five merks yearly, and the beadsmen among them one hundred and ninety-two bolls of oatmeal and bear, with fire and clothing.[1]

The remains of the building, as described by Grose and other antiquaries, indicate its ancient splendour. The choir, in particular, was finished in the finest style of the florid Gothic. The roof was treble, in the manner of that of King's College at Cambridge, and the trusses from which the ribbed arch-work sprung were covered with coats of arms.[2] In regard to the later history of the building, Grose states that the Earls of Douglas expended large sums in ornamenting this place, which he asserts was their favourite residence as wardens of the West Marches. The armorial bearings of Archibald, third Earl of Douglas, and his wife, Joanna Moray, and many other armorial shields, are still to be seen in various portions of the ruins of the abbey.

Archibald, third Earl of Douglas, is also in one document referred to as the founder and reformer of Sweet-heart Abbey or New Abbey, in the parish of New Abbey, also within the lordship of Galloway. His name is not usually associated with this religious house, and he certainly was not the original founder, as the abbey was first endowed by Devorgilla Baliol. The building, however, had suffered from fire and pillage, and was apparently restored by Sir Archibald Douglas, perhaps not long after he became lord of

[1] Lands and their Owners in Galloway, vol. v. p. 140.

[2] Pennant's Tour in Scotland, 1774, p. 104; Grose's Antiquities of Scotland, vol. ii. pp. 171, 174.

Galloway.[1] The active interest which the lord of Galloway took in this monastery, after his accession to the honours and estates of Douglas, is also evinced by the conveyance to the monks of Sweet-heart of his right as patron of the church. The gift was made only three years before his death for the welfare of his own soul and those of Joanna his spouse, Archibald and James their sons, and also on behalf of the Earl's father, Sir James Douglas, and of the Earl's mother, whose name is not given.[2]

In the year following this grant, the Earl founded the collegiate church of Bothwell, for a provost and eight prebendaries. Upon this establishment, erected about a mile from his own residence of Bothwell Castle, the Earl bestowed considerable property, including the tithes of the parish, the church lands, the lands of Osberniston, in the barony of Bothwell, and Nether Urd in Peeblesshire, with its mill.[3] About the same time probably, the Earl built what formed the choir of the college, and afterwards the old parish church of Bothwell, only disused for public worship in 1828. This building is described, about 1720, as a very stately structure, not very large, but old Gothic work, an arched roof and very fine workmanship. The Douglas arms, quartered with what the writer describes as the royal arms,

[1] Charter by Thomas, Bishop of Galloway, dated 16th July 1381, bestowing upon the monks the parish church of St. Colmanel of Buittle, on account of their urgent need and notorious poverty from the smallness of their rents and the oppression of their monastery, which had been totally consumed by lightning, and suffered much in the Border warfare. The patronage of the rectory, then vacant, was in the hands of William, Earl of Douglas and Mar, as lord of the regality of Buittle, and Archibald, lord of Galloway, founder and reformer of the monastery, had earnestly besought the bishop's predecessor, Adam (who probably died before 1372), and now Bishop Thomas, to grant the church. [The Book of Carlaverock, by William Fraser, vol. ii. pp. 426, 427.]

[2] The Book of Carlaverock, *ut supra*. Both grants were confirmed by Benedict XIII. on 11th January 1398.

[3] Founded 10th October 1398. Robertson's Index, p. 145, No. 16; Statistical Account of Lanarkshire, p. 789; Origines Parochiales, vol. i. p. 54.





DOUGLAS AND MORAY ARMORIAL STONES.
AT BOTHWELL CASTLE.

but which probably represent the lion of Galloway, were cut in stone at the south corner of the east window.[1] The roof is arched and lofty, and presents the most remarkable feature of the building. On the outside it is covered with large flags of stone, resting on a mass of lime and stone which in the centre is eleven feet in depth. The side walls are strengthened by strong buttresses to support the weight of the roof.[2]

These numerous and extensive benefactions to the Church may have inspired the monkish historians of his time, when they recorded his death, to bestow upon the Earl a high character. Wyntown, in referring to the Earl's death, mentions also his founding of Bothwell, and describes him as a lord of great bounty, of steadfastness and clear loyalty, of good devotion, and bearing a high character for justice.[3] Bower follows in the same strain. In the same year, 1400, he says, died Sir Archibald, first of that name, Earl of Douglas, called the Grim or Terrible, who, in worldly prudence, bravery and boldness, wealth and possessions, surpassed other Scots of his time. He was also very just, though rigorous, in his judgments, and faithful to his promises. Wherever he went he was surrounded by a great company of knights and brave men. He held the servants of the Church in great honour, and was not burdensome to monasteries or churches, but wherever he spent a night in a monastery, it pleased him to pay a large sum for the food supplied to him.[4] In another place the same historian, referring to the Earl's death, and the decease, a few months later, of Queen Annabella and the Bishop of St. Andrews, mourns that with them departed the glory, honour, and honesty of

[1] Description of Bothwell Parish, in Hamilton's Lanark, Maitland Club, 1831, p. 132. It is doubtful if the arms in question were quartered. In a seal used by the third Earl of Douglas at this time, the arms of Douglas and the lion of Galloway are found impaled, the latter on the sinister, and the former on the dexter half of the shield. Probably this is the device referred to. Seal attached to charter, dated 26th July 1393. [The Scotts of Buccleuch, by William Fraser, vol. ii. p. 17.]

[2] Statistical Account, p. 789.

[3] Wyntown's Cronykil, B. IX. c. xxi.

[4] Fordun, à Goodall, vol. ii. p. 429.

Scotland.[1] The writer of the Book of Pluscarden also states that the Earl was in his own day called a just and true man, and a famous soldier, faithful and wise for king and kingdom.[2]

As already stated, Archibald, third Earl of Douglas, married Joanna Moray, heiress of Bothwell. The date of the marriage is not known with certainty. A dispensation was granted by Pope Innocent Sixth, on 23d July 1362, for the marriage of Sir Archibald Douglas, knight, and Johanna of Moray, who is described as a widow, and the relict of the late Sir Thomas of Moray.[3] This description conflicts with all evidence on the subject of Sir Thomas Moray's descent, and with the fact that Joanna of Moray calls herself and is styled lady of Bothwell. She was the heiress of Sir Thomas, the younger son of Sir Andrew Moray, lord of Bothwell, and Christian Bruce, and the heir both of his father and of his elder brother, Sir John Moray, who died without issue.[4] Sir Thomas Moray of Bothwell, in 1357, became a hostage for King David the Second on that king's release, and died in England. A chronicle written in the sixteenth century assigns 1366 as the year of his death, and adds that Sir Archibald Douglas espoused his daughter and heiress after her father's death, marrying her from England, on account of which he first offered duel with five Englishmen.[5]

[1] Fordun, à Goodall, vol. ii. p. 431.

[2] Liber Pluscardensis, ed. 1877, vol. i. p. 340.

[3] Theiner's Vetera Monumenta, p. 318, No. DCXLVII.

[4] Cf. Registrum Moraviense, pp. 296, 298, 300.

[5] Gray's MS. Chronicle, quoted in Riddell's "Stewartiana," p. 97. The date of Moray's death has been variously stated, Wyntown and Bower assigning it to the year 1361. He probably died in that year, as a safe-conduct in January 1363 to one of his attendants, Duncan Wallace, refers to him as lately a hostage, while Wallace was to pay his debts. [Rotuli Scotiæ, vol. i. p. 868.] This Duncan Wallace was the lord of Sundrum, and married Eleanor Douglas, Countess of Carrick; in 1368 he founded a chaplainry for the benefit, *inter alios*, of the deceased Sir Thomas Moray, lord of Bothwell. [Registrum Episcopatus Glasguensis, p. 279.] This would agree with the dispensation, which describes Moray as deceased, though otherwise the Papal writ appears to be erroneous.

By his marriage with Joanna Moray, Sir Archibald Douglas became possessed of Bothwell and large possessions in the north of Scotland. Sir Archibald may also have exercised his wife's hereditary office of Panitarius of Scotland. He is nowhere so described, but the cups sculptured on the canopy of the tomb of his daughter-in-law in Lincluden College favour this supposition. Joanna, Countess of Douglas, survived her husband. In February 1401, as Countess of Douglas, Lady of Galloway and Bothwell, she granted to her eldest son, Archibald, Earl of Douglas, her lands of Cranshaws in Berwickshire in exchange for the lands of Halls of Airth in Stirlingshire.[1] A few months later, in July of the same year, she, for the welfare of her deceased husband's soul, granted to the church of Glasgow three stones of wax, to be levied yearly from the barony of Bothwell, for maintaining the lights of the church.[2] In January 1403, after the battle of Homildon, King Henry the Fourth of England went through the form of granting to Henry Percy, Earl of Northumberland, all the lands which the Earl of Douglas and his mother Joanna held in the south of Scotland.[3] Joanna, Countess of Douglas, was therefore probably alive at that date, but may have deceased before 20th August 1409, when her lands of Halls of Airth were bestowed by her son the Earl on Sir William Crawford of Ferm.[4]

Archibald, third Earl of Douglas, and Joanna his wife, had three children, two sons and a daughter. The sons were—

1. Archibald, who succeeded his father as fourth Earl of Douglas, and was created Duke of Touraine in France. Of him a memoir follows.

[1] Charter dated at Bothwell about 9th February 1400-1. "The Swintons of that Ilk," 1883, App. x. and xi.

[2] Dated at Bothwell 8th July 1401. A note by Father Innes, who saw the original charter before 1738, states that the seal was then attached, almost whole, showing upon a double shield crowned (1) a man's heart, and three stars in the upper part of shield. The second (coat of arms) obliterated. [Registrum Episcopatus Glasguensis, pp. cxxxvi, 300.]

[3] Rotuli Scotiæ, vol. ii. p. 163.

[4] Original Charter in General Register House, Edinburgh.

2. James, who became, about 1440, seventh Earl of Douglas. His history is narrated in a subsequent memoir.

The daughter's name was Mary or Marjory. She married, about 1400, David, Duke of Rothesay, Prince of Scotland, under circumstances already related. After the Prince's death in 1402, his widow married, about 1403, Sir Walter Haliburton, younger of Dirleton, afterwards Treasurer of Scotland. The Duchess of Rothesay enjoyed, in right of her first husband, an annuity of £640 apportioned on the customs of various burghs. This sum was paid to herself between 1402 and 1403, and afterwards to her husband until the year 1420, about which date the Duchess died.[1]

[1] Exchequer Rolls, vol. iii. pp. 566, 591, *et seq.*; vol. iv. pp. clxxi, 2-343, *passim.* Another daughter, Eleanor or Ellinor, has been assigned to the third Earl of Douglas, but as there is good reason for believing she was really a daughter of James, second Earl of Douglas and Mar, she has been referred to in his memoir.



SIR WILLIAM DOUGLAS, LORD OF NITHSDALE.

Archibald, third Earl of Douglas, had also a natural son William, known as lord of Nithsdale, who seems to have inherited so much of the prowess of his father and grandfather, that his career, as narrated by the historians of his own time, reads like a romance. The date of his birth is not known, but he was married in 1387 to the Princess Egidia, one of the younger daughters of King Robert the Second. An annuity of £300 was secured to them on their marriage, though Sir William Douglas is referred to as receiving one or two payments before that date, under a grant dated in September 1384.[1] In 1388 he received from his father a charter of the barony of Harbertshire in the county of Stirling, which was duly confirmed by the king.[2]

Though his career was short, it was very brilliant. He first signalised himself in the expeditions undertaken by the Scots and French in 1385, under the leadership of his father and James, second Earl of Douglas. The historians say that he was young, but excelled in manliness. Their description of his person shows that he inherited family characteristics. He was swarthy, large-boned, though not overcharged with flesh; his stature approached the gigantic; he was erect in his walk, valiant, courteous, and amiable in his manner, faithful, and merry, and pleasant in company. He was greatly feared by the English, as he was so strong that those whom he struck with mace, sword, or lance, went down before him, however well armed they might be. As an instance of his exploits, it is narrated that while the Scoto-French army invested Carlisle, Sir William, almost unattended save by a few of his household, burned the suburbs of that town. Standing alone upon a bridge scarce two feet in width he fought with and slew the bravest man in the place, and with his mace struck down two others scarcely

[1] Exchequer Rolls, vol. iii. pp. 134, 149, 691, *et seq.*; Registrum Magni Sigilli, vol. i. p. 167.

[2] Charter dated 8th November 1388, confirmed 16th May 1389, in Crookston Charter-chest.

inferior, all very well armed. Unhurt himself, he then ran to the aid of his companions, who were skirmishing with the townsmen, and, by his fierce onset speedily settled the contest. On another occasion, at the head of eight hundred Scots, he conquered three thousand Englishmen in open battle, of whom two hundred were slain, and five hundred carried captive to Scotland.

These and similar deeds of daring commended Sir William to the notice of King Robert the Second, and the king's daughter Egidia, who is described as of elegant form, and one of the most beautiful women of her time. So fair was she, and her fame had so spread abroad, that the king of France sent privately a skilful painter to take her portrait, intending to offer the damsel his hand and heart. But hers were already disposed of; for ere the painter reached Scotland, Beauty had become the prize of Valour in the person of Sir William Douglas, who received with his bride the territory of Nithsdale.

In the year following his marriage, Sir William Douglas, in retaliation for raids made by the Irish on the coasts of Galloway, made a descent on Ireland. He gathered a force of five hundred men, which landed at Carlingford, and attacked the town. The townsmen, by the promise of a sum of money, secured an armistice, of which they took advantage to send for aid to Dundalk. Learning the small number of Scots, about eight hundred horsemen answered the summons, marched by night to Carlingford, and, assisted by a sortie from the town, attacked the Scots. In the engagement, however, the Scots, though surprised, were victorious, and took the town, which they burned. They also captured the castle, and fifteen merchant ships in the harbour. In returning to Scotland Sir William Douglas ravaged the Isle of Man. He landed at Lochryan in Galloway, in time to join the Scottish army under the Earl of Fife and Sir Archibald Douglas in their invasion of Cumberland.[1]

[1] Wyntown's Cronykil, B. ix. caps. vii. and viii.; Fordun, à Goodall, vol. ii. pp. 403, 404.

A few years later the brilliant career of Sir William Douglas of Nithsdale was cut short, it is said, by treachery. During the truce with England, arranged about the year 1389, he passed over to Dantzic in Prussia, called Spruce by the historians. There he was chosen Admiral of a fleet numbering two hundred and forty vessels, appointed to sail from Dantzic against the Saracens. This honour he owed to his knightly fame, which, above that of all others there, was celebrated by the heralds at the table of the chief magistrate. Moved with envy at Sir William, it is said, an Englishman, Lord Clifford, hired ruffians to slay him. Another explanation of the act, however, has been given, that on some former occasion Clifford had challenged Douglas to single combat. Before the appointed day Sir William went to France to procure a stronger suit of armour, and during his absence Clifford endeavoured to sully his reputation by reporting that he had fled, and dared not keep his appointment. Douglas, however, duly appeared at the place of combat on the day named, but Clifford, afraid of his adversary's prowess, refused to meet him. Being thus disgraced according to the rules of chivalry, Clifford hired a band of assassins, who attacked and slew Douglas on the bridge of Dantzic.[1]

Godscroft also narrates this story, and adds that Sir William Douglas was created "Duke of Spruce and Prince of Danskin" (Dantzic). But he refers to no patent or other authority for these high creations. Godscroft also states that according to the report of many eye-witnesses there was a gate in Dantzic which bore upon it the Douglas coat-of-arms engraven in stone, but which had of late been rebuilt, and the monument lost. The common opinion of his own day was, he says, that Dantzic, having been taken by infidels, was regained by Scotchmen, on account of which the Scots had such privileges there that a part of the town was chiefly inhabited by them, and called Little Scotland.[2] Both Bower and Godscroft state that Sir

[1] Fordun, à Goodall, vol. ii. p. 416.

[2] Houses of Douglas and Angus, edition 1644, pp. 110, 111.

William Douglas was killed in or about the year 1390. But he was alive, if not still in Scotland, in Martinmas of that year. His death probably took place in 1392, as he is said to have drawn the greater part of the rents of the burgh of Dumfries for that year.[1]

By his wife, the Princess Egidia, Sir William Douglas had only one daughter, Egidia. She married Henry St. Clair, Earl of Orkney, who was made Panitarius of Scotland, and by him was mother of William, Earl of Orkney. The marriage probably took place about 1407. On 17th November of that year, Archibald, fourth Earl of Douglas, granted the barony of Herbertshire, in the county of Stirling, to Henry, Earl of Orkney, and his spouse Egidia, the niece of the granter. This charter was confirmed by Robert, Duke of Albany, three days later.[2] William, Earl of Orkney, was the founder of the Collegiate church of Roslin, and became Chancellor of Scotland.

Egidia Douglas has usually been accounted by genealogists the only child of Sir William Douglas of Nithsdale, but there is evidence which seems to prove that he had a son, who inherited Nithsdale. The first notice of such a person is in a safe-conduct for thirteen hostages of the fourth Earl of Douglas to pass into England, of date 30th January 1406. There he is styled William of Douglas of Nithsdale, chevalier, or knight. He is also named in two similar documents of a later date, 1st November 1406 and 15th January 1407.[3] On 2d February in the same year he witnessed a charter by Archibald, fourth Earl of Douglas, and is described as the Earl's nephew.[4] In the following year, under the same designation, he witnessed two charters by the Earl, the first on 24th May, to William Johnstone, of the lands of Drumgrey, in the barony of Amisfield, Dumfriesshire, and the second on 28th May to Sir Alexander Gordon, of lands in the barony of Balma-

[1] Exchequer Rolls, vol. iii. pp. 281, 332.

[2] Vol. iii. of this work.

[3] Rotuli Scotiæ, vol. ii. pp. 177, 180, 181.

[4] Registrum Honoris de Morton, vol. ii. p. 204.

The Arms of the Lord Mayor of London

Arms of the Company of Vintners

clellan, in Galloway. About the same time he witnessed another charter by the Earl at Wigtown, not dated, granting to Sir John Stewart of Girton the lands of Barlay, in Galloway.[1] These writs prove that Archibald, fourth Earl of Douglas, had a nephew named Sir William Douglas of Nithsdale, a knight. There are only two persons to whom the designation of the Earl's nephew could be applied, William, a son of James, Lord of Balvany, afterwards the eighth Earl of Douglas, and William, a son of William, Lord of Nithsdale. But William Douglas, afterwards eighth Earl, was, according to Bower and others, only made a knight in 1430, and was then of tender age.[2] The conclusion therefore is that the William Douglas of Nithsdale referred to as the Earl's nephew was a son of his brother, the famous Sir William Douglas of Nithsdale. The Earl's nephew disappears from history after the year 1408, and owing to his career being so brief, he may have escaped the notice of historians. He probably died young, and apparently without issue, as in 1438 Egidia Douglas, Countess of Orkney, was in possession of Nithsdale, and made a protest before a general council against the royal courts being held within her territory. It is probable that she inherited the lordship from Sir William Douglas of Nithsdale, nephew to the fourth Earl of Douglas, and evidently her own brother.

[1] Vol. iii. of this work.

[2] Fordun, à Goodall, vol. ii. p. 490; Liber Pluscardensis, vol. i. p. 376.

VII.—2. ARCHIBALD, FIRST DUKE OF TOURAINE, FOURTH EARL OF DOUGLAS, LORD OF GALLOWAY AND ANNANDALE, ETC. (SURNAMED TINEMAN).

PRINCESS MARGARET STEWART, HIS DUCHESS.

1400—1424.

ARCHIBALD, third Earl of Douglas, was succeeded in the earldom of Douglas, and the other extensive family possessions, by his eldest lawful son, also named Archibald, who was distinguished from his two predecessors of the same name, Archibald the Regent, and his own father, by the epithet Tineman,[1] or Loseman, in allusion to the fact that, although he uniformly displayed the bravery of his race, he lost several of the great battles in which he was engaged. Yet, notwithstanding this want of success in war, he was one of the most powerful of the Scottish nobles of his day, wielding immense influence; and he added largely to the possessions and honours of the house of Douglas.

Archibald, fourth Earl of Douglas, was probably born in or about the year 1372, and was the eldest surviving son of the marriage of his father and Joanna Moray of Bothwell. During the lifetime of his father he married

[1] Opinions differ as to whether this epithet was applied to Archibald the Regent, or Archibald the fourth Earl of Douglas. Bower bestows it upon the former [Fordun, à Goodall, vol. ii. p. 310], and is supported by Sir Richard Maitland of Lethington in his MS. History. Godscroft disputes the propriety of attributing it to the Regent, in respect that while he lost but one battle, the fourth Earl won very few. In applying the name to the fourth Earl, Godscroft is followed by later historians.

Arms of the Worshipp

Arms of Sr Thomas Lyttelton Knight of the Bath

the Princess Margaret Stewart, eldest daughter of King Robert the Third, and on that occasion was provided by his father in the lordship of Douglas, and the regalities of the forest of Ettrick, Lauderdale, and Romanno, by a charter of entail.[1] This charter, which narrates the fact of the marriage, was confirmed probably very soon after the accession of King Robert the Third in 1390. The marriage had previously been celebrated, and the arrangements for it were made while the king was still Earl of Carrick.[2]

During the lifetime of his father the fourth Earl was styled Master of Douglas. He was appointed by King Robert the Third, by letters under the Great Seal, dated 4th June 1400, keeper of the castle of Edinburgh for life, with an annual salary of two hundred merks, to be paid out of the customs of Edinburgh.[3] Along with his brother-in-law, the Duke of Rothesay, Lieutenant of the kingdom, the Earl was in command of the castle, when two months later it was besieged by King Henry the Fourth of England. For the relief of the fortress, on that occasion, Robert, Duke of Albany, raised an army and marched to within twelve miles of Edinburgh. There the Duke halted his forces, and, aware that the garrison was well supplied, while the English host was ill provisioned, he prudently declined an encounter which might have ended in disaster, and awaited the course of events. These fully justified his conduct, as the English king, finding his army starving, was compelled to raise the siege and return to England.

Archibald, fourth Earl of Douglas, held the office of keeper of Edinburgh Castle until his death. Personal residence on his part was not necessary, and the actual oversight of the castle for the most part devolved on captains or under-keepers.[4] One of these under-wardens was Sir William Crawford of Ferm, who signalised himself in his zeal for his master, during the Earl's

[1] Robertson's Index, p. 142, No. 71.

[2] The Red Book of Menteith, by William Fraser, vol. i. pp. 157, 158.

[3] Exchequer Rolls, vol. iii. p. 515.

[4] *Ibid.* pp. 515, 545, 565, 591; vol. iv. pp. 19, 42, 341, etc.

absence in England, by seizing the custumars of Edinburgh and keeping them in ward in the castle until they paid certain arrears of salary and other sums due to the Earl since the battle of Homildon.[1] For his praiseworthy service in the onerous charge of keeping the castle of Edinburgh while the Earl was detained in England, the Earl, in August 1409, bestowed upon Crawford the lands of Halls of Airth and Heetoun of Airth.[2] During this Earl's keepership there were considerable sums spent in repairing and improving the castle.[3]

After the marriage of his sister, Lady Mary Douglas, to David, Duke of Rothesay, and the departure of the Earl of March into England, in consequence of the slight thrown by that marriage on the daughter of March, Archibald, Master of Douglas, took possession of the castle of Dunbar. The Earl of March, when he found refuge at the Court of King Henry the Fourth of England, left his castle in the care of his sister's son, Sir Robert Maitland, who, either by agreement or through fear, handed it over, in the year 1400, to the Master of Douglas. The extensive domains of March and Annandale were at the same time attached by the Douglases. The Earl of March sent messengers from England to remonstrate, and to receive back his castle, on the ground that he was still a liege man of the king of Scotland, who had not been forfeited in any way, and that he was only in England transacting some business. The request was not entertained, and from that time March allied himself with the English wardens of the Borders in making raids into Scottish territory.[4]

Several petty incursions took place, and a larger expedition was planned,

[1] Exchequer Rolls, vol. iv. p. 81.

[2] Vol. iii. of this work.

[3] In 1410, £70 were paid for repairs. Exchequer Rolls, vol. iv. p. 116, *et passim*.

[4] By this conduct of the Earl of March, the English gained a powerful auxiliary, and King Henry the Fourth bestowed upon his new ally the manor of Clipeston in Sherwood Forest, with an annuity to himself and his son Gavin of £40 each. [Fœdera, vol. viii. pp. 205, 212, 245.]

under the personal conduct of the Earl of March and Henry Percy (Hotspur). The invading force consisted of twelve thousand men, who about Candlemas, 1400, advanced unopposed as far as Popple, in Haddingtonshire, and laying waste the country, directed their course towards Linton. The castle of Hailes was twice assailed unsuccessfully, and the towns of Hailes, Traprain, and Markle, with their granges, were given to the flames. Towards evening the invaders pitched their camps at Linton and Preston, purposing to pass the night there, and to burn these places also in the morning. In the meantime Archibald, Master of Douglas, whom the historian here calls a high-spirited man (homo ad cor altum), summoning his men, issued forth from the castle of Edinburgh, and with all haste marched towards Linton. He roused the country as he went with the sound of horn and trumpet, thus increasing his forces, and before sunset he had arrived at the hill of Pentrak. At his approach the English broke up their camp, and fled in confusion, abandoning the spoils they had collected. All through that "cruel night," says Bower, the Scots pursued the raiders, capturing many of the fugitives in the woods, and in the park of Cockburnspath. The rest fled to Berwick, then in the hands of the English; but even within the gates of that city they were chased and overthrown by the Scots. The victors in retiring bore away from Berwick, as trophies, the lance and banner of Sir Thomas Talbot.[1]

On the death of his father on 24th December 1400, Archibald, Master of Douglas, succeeded to the honours and estates of Douglas as fourth Earl. Next to the royal family itself, the house of Douglas was the most influential and powerful in Scotland, with possessions which embraced a large portion of the south country, and extending in detached form as far north as the Moray Firth. In addition to these, the extensive lands of the Earl of March, for a time at least, were in possession of Douglas, who

[1] Fordun, à Goodall, vol. ii. p. 429.

assumed, with his other titles, that of lord of Dunbar,[1] and within a few weeks after his father's death was residing at Dunbar Castle, dealing with the lands of the earldom of March as his own property.[2]

As warden of the Border Marches, an office he had held even before his father's death, the Earl of Douglas, in February 1401, addressed to King Henry the Fourth a strong remonstrance and complaint as to the keeping of truces on the Borders. Douglas, who styles himself lord of Galloway and of Dunbar, narrates at some length what had been done by himself and the Earl of Northumberland towards the establishment of a truce. He maintained that a truce had been finally arranged at a meeting held on 14th October in Yetholm kirk, and complained that the Earl of Northumberland had proved a defaulter. Douglas therefore requested the king to send commissioners with power to take cognisance of such defaults and amend them.[3]

King Henry the Fourth replied from Westminster on the 27th of the same month, traversing in his answer the statements made by the Earl of Douglas, and charged the Earl with refusing to concur in the proceedings for a truce. Nor was that all; for the king writes: "Shortly after the departure of our Commissioners homewards, you in your own person, with force, and arrayed for war with banner or pennon displayed, rode to our town of Bamborough, and burned a great part of that town and neighbouring places, as is said." He accordingly threw the blame of renewing hostilities upon the Earl of Douglas, as having in his capacity of warden of the Marches inflicted injuries upon the English borderers before any of the

[1] Vol. iv. of this work, p. 62.

[2] In February 1401, the Earl entered into an agreement with his mother, Joanna Moray of Bothwell, by which she exchanged the lands of Cranshaws in Berwickshire for lands in Stirlingshire. The lands of Cranshaws were part of the earldom of March, and in October 1401 were bestowed by Douglas on Sir John Swinton, for his service, and as many silver vessels as were worth 500 merks Scots. [The Swintons of that Ilk, 1883, pp. 32, xiv-xvii.]

[3] Vol. iv. of this work, pp. 60-63.

English wardens had invaded Scotland. The king of England, however, agreed to send commissioners at the request of the Earl, and asked him to send safe-conducts for four, whose names were given, and also to ascertain the intentions of the king of Scotland and his council.[1] It would appear that Douglas in attending the meeting at Yetholm kirk, did so on the understanding that the truce there made would be on the basis of an agreement between him and the Earl of Northumberland in the previous May. When, therefore, he found that it was burdened with new conditions on the side of the English, he declared his intention of holding the truce on the former basis, and declined the new propositions. Corroborative testimony of the attack by Douglas on Bamborough has not been discovered, and the king of England merely asserts it on the strength of a report. The efforts for the prolongation of the truce proved unavailing, and hostilities between England and Scotland were resumed in the following year.

During the interval there occurred in Scotland the imprisonment and tragic death of the Duke of Rothesay. The episode is well known. The prince was a young man of high talent, but unbridled passion, and to check his excesses his father, the king, requested the Duke of Albany to place the prince under arrest for a time. The prince was seized on his way to St. Andrews, and conveyed to that place as a prisoner. After consultation with the king's council at Culross, the Duke of Albany and Archibald, Earl of Douglas, proceeded to St. Andrews, and removed the prince to the castle of Falkland, where, after a short confinement, he died on 26th March 1402. His death was occasioned by a deadly form of dysentery then raging, to which his former course of life rendered him a ready victim. Rumours, however, were spread abroad that foul play had been resorted to by the Duke of Albany and the Earl of Douglas, but these rumours were judicially investigated and declared to be groundless by a decision of Parliament on 16th May 1402, which stated that the Duke

[1] Vol. iv. of this work, pp. 9-14.

of Rothesay, arrested by the king's own commands, had departed this life by divine providence, and not otherwise. The king further declared in the Act of Parliament that his brother Robert, and his son-in-law Archibald, were innocent and free from the charges of treason and from every charge which might be imputed to them in connection with this event. He also strictly forbade his subjects, without exception, to detract, by word or deed, from the fair fame of the Duke of Albany and the Earl of Douglas.[1]

No reason has yet been shown for doubting that the restraint placed on Rothesay was necessary for the welfare of the country, or for believing that those who gave it effect had other motives than those which directed the action of the king and his council. The share taken in the transaction by Douglas, who can scarcely be conceived as favouring the alleged ambitious views of Albany, goes far, despite all surmisings to the contrary, to establish that neither Albany nor Douglas in any way contributed to the death of one nearly related to them both. Douglas could have no interest to injure Rothesay, who stood to him in the close relation of brother-in-law by a double tie, Rothesay being married to Douglas's sister Mary, while the wife of Douglas was Rothesay's sister, Margaret. If Rothesay had survived the king, his Duchess would have been queen of Scotland.[2]

Between the death of Rothesay and the acquittal of Albany and Douglas,

[1] Acts of the Parliaments of Scotland, vol. i. p. 582.

[2] The Albany pillar in St. Giles' Church, Edinburgh, has unfortunately been so much associated with this event in the writings of modern historians, that it has come to be looked upon as a votive offering by the Duke of Albany and the Earl of Douglas, whose shields of arms are engraved upon it, in atonement for their guilt in the death of Rothesay. But the association between the two things is mere assumption. As the records of that church show, Albany, and probably also Douglas, were contributors to the reparation of that edifice which was being carried on in their day, and nothing was then more common than that the armorial shields of benefactors to churches should adorn the buildings. In the same way, also, other portions of St. Giles contain the armorial bearings of benefactors to that Church.

war with England had begun, the Scots being the aggressors. They were roused by the incursions made by March and the Percys; and though the English had been defeated by the prompt action of the Earl of Douglas, the Scots determined on further measures of retaliation. By the counsel and with the assistance of Douglas, in conjunction, there is reason to believe, with the Duke of Albany, the chief barons of Lothian, in the spring of the year 1402, arranged a series of invasions.[1] The first expedition into England was headed by Sir John Haliburton of Dirleton, and was entirely successful. A certain time was appointed during which the invasion was to begin and end, and by attending to this, Haliburton returned in safety, and laden with spoils. But the second expedition, under the command of Patrick Hepburn, younger of Hailes, met with a complete defeat on Nisbet-moor, in Roxburghshire. The loss was so heavy, that the chroniclers say Lothian was in great part bereft of the flower of her chivalry.[2]

To avenge this defeat, the Earl of Douglas determined to invade England in person. To aid the Earl the Duke of Albany sent his son Murdach with a large following, and the Earls of Angus and Moray. Douglas had thus at his command about ten thousand men, with whom he entered England, laying it waste once more as far as Newcastle, and then began to retire. Meanwhile Henry Percy (Hotspur) and the Earl of March had assembled an army equal in strength to that of the Scots, and threw themselves in the way of the latter, near the village of Wooler. On the advance of the English, Douglas posted his army in a dense phalanx on a neighbouring hill, named Homildon, and awaited their onset. This was

[1] Rymer's Fœdera, vol. viii. p. 257. On 23d May 1402, King Henry IV. informed the sheriffs of the Border counties of the designs of Albany and Douglas, and instructed them to make such preparations as the necessities of the case required.

[2] Fordun, à Goodall, vol. ii. pp. 432, 433. The battle of Nisbet was fought on 22d June 1402. The Earl of March was the leader of the English forces.

a most unfortunate position, as Percy had a large contingent of archers in his army, from whose shafts the hill afforded no shelter. Not only so, but within bow-shot of the Scots there were similar hillocks dominating their position. Percy did not at first perceive his advantage, and had already given orders to his cavalry to charge the Scottish army, when March seized his bridle, and pointed out the easy way to victory through his archers. His advice was followed, and the archers from the brow of a neighbouring slope poured a deadly flight of arrows upon the unhappy Scots. Many fell in their closely-packed ranks, and at last, unable to stand the galling fire, the Scots began to break their lines and flee. Seeing this, says the English historian Walsingham, the Earl of Douglas, lest he should seem to be shirking battle, seized a lance and bravely descended the hill at the head of a large number of his followers for the purpose of attacking the archers at close quarters. The archers accordingly slowly retired, maintaining their fire the while so fiercely, that, according to the historian, armour and helmets were penetrated, and spears and swords broken. The Earl of Douglas is said to have worn a suit of armour which had cost three years' labour to make, and yet he was wounded in five places, including the loss of an eye. The rest of the Scots who did not descend the hill with their leader fled in the other direction, in the vain hope of escaping from the death-dealing arrows, but could not thus secure safety, as flight seemed worse than remaining where they were. No fewer than five hundred were drowned in attempting to cross the Tweed. The victory was completely on the side of the English.[1]

The Scottish historian, Bower, ascribes the first assault upon the English archers to Sir John Swinton, who rallied his comrades upon the folly of standing still, and being shot like deer; then calling upon them to follow him, he dashed down the hill against the foe. The well-known incident of the reconciliation at this moment of Swinton and his mortal enemy, Sir Adam

[1] Walsingham's Historia Angliae, pp. 407, 408.

Gordon, will be recalled by every reader of Border history, a friendship cemented by only a few moments of brilliant military glory, when they fell side by side in death. It is probable that it was this breaking up of his lines that caused the Earl of Douglas to head the charge against the English archers, which was equally unavailing. Besides those slain, many Scottish barons were taken prisoners, including their leader, the Earl of Douglas, the son of the Regent Albany, the Earls of Moray and Angus, both of whom died in England, and, among the rest, three members of the family of Douglas of Dalkeith.[1] This eventful battle was fought on 14th September 1402, and its issue may be said to have been mainly due on the one hand to the prudence and wisdom of the Earl of March, who, with his intimate knowledge of the Scots and their mode of fighting, was an invaluable guide to the English in their warfare with the Scots; and on the other to the error of the Earl of Douglas in under-estimating the power of the English, and delaying his attack until their archers had got into position. The prisoners were conveyed by their captors to safe keeping, and in confinement at Alnwick Douglas had rest to recover from his very severe wounds. Some French knights had been taken in the battle, and while the nobles of France dealt for their release with the English Court, they interested themselves also to secure the deliverance of the Earl of Douglas, as he had always shown much attachment to France, and fidelity to their king.[2]

On receiving the welcome tidings of this victory, King Henry the Fourth of England at once wrote commanding the Earl of Northumberland and the rest of the English barons and knights, who had taken prisoners, on no account whatever to set them at liberty or permit them to be ransomed until they heard further from him.[3] This measure is thought to have given great

[1] Fordun, à Goodall, vol. ii. p. 433-435.

[2] Les Ecossais en France, etc., par Francisque Michel, vol. ii. pp. 104, 105.

[3] Rymer's Fœdera, vol. viii. pp. 278, 279.

umbrage to the Percys, and to have been the origin of that dissatisfaction with King Henry which culminated in their open rebellion. It may have been mutterings of this which, reaching the English king's ears, moved him, six months after the battle of Homildon, to confer, on 2d March 1403, upon Henry Percy, Earl of Northumberland, all the Douglas possessions in Scotland. Ostensibly it was for that Earl's activity against the Scots, especially in the late conflict. The grant was made by the king of England in Council, and in formal language conveyed to the Percys the earldom of Douglas and all other lands in Scotland which the Earls of Douglas had at any time held, and also all lands and lordships which Archibald, present Earl of Douglas, and Joanna, his mother, possessed in Scotland on the day of the capture of the Earl at Homildon Hill.[1]

The gift, however, was an empty and ill-advised one, as none knew better than the Percys themselves the true value of charters of lands in Scotland when presumptuously granted by an English king. It was doubtless considered by the receivers as an insult, and this is shown by their demanding money for their services from King Henry and his Council.[2] A week after granting the Douglas estates, Henry, by the appointment of a special commission for the trial of the prisoners taken at Homildon,[3] superseded the Percys in their judicial functions, an act which drove them into irreconcilable opposition. Henry's tenure of the English throne was by no means secure. Many in England looked upon him as a usurper, and believed a report that their rightful sovereign, Richard the Second, was a refugee at the Scottish Court.[4] The Percys had been among the foremost in establishing Henry the Fourth upon the throne, but, disgusted by his ingratitude and oppressive measures, they entered into correspondence with Owen Glendower, a Welsh

[1] Rymer's Fœdera, vol. viii. pp. 289, 290.

[2] Letters, dated 30th May and 26th June 1403, in Cottonian Collection, Vesp. F. VII. 19, 21, British Museum, London.

[3] Rymer's Fœdera, vol. viii. pp. 292, 293.

[4] *Ibid.* p. 261.

chief, then in rebellion against the English king. The Earl of Douglas willingly lent himself to the scheme, intending thereby to purchase his liberty. English historians affirm that not only was he promised this, but the town of Berwick and part of Northumberland; and that on these conditions he procured a large contingent from Scotland to assist in the insurrection.[1] To mislead the English king, the Percys gave out that their intention was to prosecute a great Scottish war, and it favoured this pretence that the Duke of Albany raised an army and marched on the Borders. The Earl of March, however, to whom an alliance between the Percys and Douglas boded no good, went over to the English king, who was thereby enabled to defeat the objects of the plot.

After laying siege to the small border fortress of Cocklaws, the younger Percy, who was in command of the expedition, suddenly changed the route of his march and penetrated through England towards Wales, to effect a junction with his Welsh ally. Before this was accomplished Henry the Fourth led an army, equal in strength to that commanded by Percy, as far as Shrewsbury, and there intercepted the rebel forces. A fierce battle ensued, in which victory had almost declared for the valiant Hotspur, when the rebel leader, on lifting his visor for a little air, fell pierced to the brain by an arrow. During the whole conflict, which continued for upwards of three hours, with enormous slaughter on both sides, Percy and Douglas fought with the most heroic valour.[2] Either for the purpose of lessening his own danger, or of inspiriting his soldiers by his apparent presence in various parts of the field, Henry the Fourth resorted to the ruse of having several of his knights dressed in armour similar to his own, and three of these fell to the sword of the Earl of Douglas, who is reported to have expressed astonishment at there being so many kings in the royal host. The Earl of Stafford was also slain

[1] Holinshed, vol. ii. p. 1137.

[2] Walsingham says that two braver warriors could not be found anywhere.—Historia Angliae, p. 411.

by Douglas. But the death of Hotspur practically decided the battle, and Douglas, severely wounded, was again made prisoner by the English. His valiant bearing in the battle, and his frank and fearless conduct when brought into the royal presence, are said by some historians to have impressed King Henry so favourably that he then and there granted him his liberty.[1] But this is a mistake, as he was detained in England by King Henry for some time.[2] The rebellion was thus suppressed, and the aged Earl of Northumberland, with the young son of Hotspur, was afterwards obliged to seek refuge at the Scottish Court.

The captivity of the Earl of Douglas nominally lasted until the year 1413, but a considerable portion of it was done by proxy. In terms of arrangements made with the king of England, he was permitted to return to Scotland, and remain there for periods of time varying in duration from two to twelve months. On such occasions he had to leave in his stead from ten to thirteen persons of high social position, including generally two of his own sons, and others of his kinsmen. The Earl of Douglas and Murdach Stewart, the eldest

[1] Holinshed, vol. ii. p. 1140. The suppression of this rebellion was rightly attributed in a great measure to the sagacity of the Earl of March, who, however, with his family, was a considerable sufferer by the result. They were threatened both by the Northumbrians and the Scots. A letter from the Countess of March to the king of England petitions for a grant to relieve herself and husband from the great debt they had incurred since their exclusion from their own country. They were threatened by those around them, she says, and in the place where they were the plague was raging badly; but they were refused permission by the Scots to remove to their castle of Cockburnspath, and their retainers were taken prisoners by the followers of the Earl of Douglas. The mention of the prevalence of the plague makes it probable that the letter was written about the year 1407, shortly before the return of the Dunbars to Scotland. It may have been this letter which prompted the negotiations which in the next year terminated in the reconciliation of March to Albany and Douglas. [Vol. iv. of this work, pp. 64, 65.]

[2] On 1st May 1405, Roger Bradshaw received £30 for keeping in safe custody the Earl of Douglas from the date of the battle of Shrewsbury to 21st August following=27 days, and charges of hired men. [Issues of the Exchequer, Rolls Publications, 1837, p. 301.]

son of the Duke of Albany, were the two Scottish prisoners of note in the hands of the English at this time, and within a year after the battle of Shrewsbury, negotiations were opened with a view to their ransom.[1] These, however, were ineffectual, but were repeated in the following year, 1405, with no better result, at least in the case of the Regent's son;[2] but the arrangement by which the Earl of Douglas obtained his release on parole may have been at this time suggested. From his vast influence in the country, the government of Scotland in these feudal days would not be easily accomplished without the assistance of the Earl of Douglas, and it therefore became a matter of the first importance to the Scottish Governor to secure his release, even if merely temporarily. The conditions of his release were discussed in the English Parliament, and it was suggested to the king by the Commons, who took the occasion to express their gratitude that the flower of the Scottish chivalry were in the king's hands, that certain castles might be put in hostage for the Earl.[3]

The first intimation of the Earl's return to Scotland is found in his appearance at Erskine, on 10th August 1405, in the capacity of a witness to a charter of the lands of Cavers, and the office of sheriff of Roxburgh, in favour of Sir David Fleming of Biggar.[4] Information is not afforded by the English Fœdera of the circumstances of this parole, but these records show from that date a series of arrangements for the Earl's subsequent visits to Scotland. On 21st September 1405[5] permission was given for his returning

[1] Exchequer Rolls, vol. iii. pp. 615, 646; Rymer's Fœdera, vol. viii. pp. 359, 362.

[2] *Ibid.* p. 388; The Red Book of Menteith, by William Fraser, vol. i. pp. 185-187.

[3] English Rolls of Parliament, vol. iii. p. 580.

[4] Original Extract of Charter in Cavers Charter-chest; vol. iii. of this work; Antiquities of Aberdeen, vol. iv. pp. 171, 172.

[5] Sir William Hardy, Deputy Keeper of the Records of England, has, in a letter to the editor of the Exchequer Rolls of Scotland, indicated his opinion that the date of this document, and several others issued in the same year, should be 1407, instead of 1405. His reasons for this opinion are fully stated in the letter [Exchequer Rolls, vol. iv. preface, pp. cxcvi-cc; cf. also pp. xliv, xlv], which

to Scotland till 1st November following, and safe-conducts granted for eleven hostages. After his return to captivity for two months, the favour was renewed on 30th January 1405-6, and safe-conducts were granted for thirteen gentlemen, including the Earl of Orkney, John Stewart, second son of the Duke of Albany, the Master of Crawford, and a number of prominent members of the Douglas family, who were to take the place of the Earl in England until his return.[1] The Earl returned to his captivity during the year, and spent a considerable time in London.[2]

Another visit of the Earl to Scotland was proposed in the close of the year 1406,[3] but he was still in England on 2d February, as on that day he

was written in elucidation of the true date of an event which does not concern the present subject. But the necessity of determining the true date of this passport granted to the Earl of Douglas, has led to further investigation of the question, with the result that it has been found more consistent with the true order of events, as proved from various sources, to accept Rymer's arrangement as correct.

[1] Rymer's Fœdera, vol. viii. p. 429.

[2] He was in London on 28th October 1406, as on that day he granted there a sum of £20 Scots yearly to Alexander of Home, as his under-warden of the lands of the priory of Coldingham. The Earl held the office of keeper of the lands and rents of this priory, receiving therefor an annual pension of £100 from the priory. [Vol. iii. of this work.] The Earl of Douglas appears to have acted as bailie for the priory of Coldingham over their lands in Scotland, even before the death of his father. The office had formerly belonged to the Earl of March, and so fell with the rest of that Earl's estate into the hands of the Master of Douglas. In the accounts of that priory for 1399 there is included the payment of a pension of £66, 13s. 8d. to the Master of Douglas. As the above letter and other documents show, this was raised to £100 yearly, and the office was confirmed for life. The grant was renewed in 1414, much against the will of the Earl of March, who, on that account, declined a request proffered by the Countess of Westmoreland that he should assist the prior of Coldingham. "They shuld wryt and pray the Erle of Douglas," he says, "the quhilk is thayr balie, to help thaym, er to me, for thay grauntit hyme thair baliery, agayn my will." After the death of the Earl of Douglas, the bailiary was given to the Homes. [Priory of Coldingham, Surtees Society, pp. 65, 86, 89, 102, lxxviii, etc.]

[3] Rotuli Scotiæ, vol. ii. pp. 180-182; Rymer's Fœdera, vol. viii. p. 464. The passports are dated 1st November 1406, 11th and 15th January, and 5th February 1406-7.

granted a precept of sasine, and probably also the charter, of the baronies of Buittle and Preston, and the lands of Borg, in Galloway, in favour of Sir James Douglas of Dalkeith, and the charter is attested by several of those then named as hostages for him.[1] On the 14th of March the Earl entered into an indenture with the king of England at London, when a release was granted for thirteen weeks from the day of his departure. In addition to the usual conditions about hostages, the Earl became bound to endeavour that the truce agreed to between himself and the English Government should be adopted by the Scots; if not successful in this, then he was to cause truce with England to be kept over all his bounds between the East, the West and the Scottish Sea (the Firth of Forth), for one year, from Easter to Easter. At the end of this document Douglas, with his own hand, added his obligation that if any power in Scotland or France sought to infringe this truce, or do any harm in England, he and all his men would withstand the same with all their might, and take part with the king of England and his sons in doing so.[2]

Another indenture made between the same parties on the same day partakes more of the nature of a bond of manrent. The Earl of Douglas thereby became "man" to the king of England, his son the prince, and to his brothers, Thomas, John, and Humphrey, before all men and against all men, his liege lord James, the king of Scotland, alone excepted. During the Earl's parole, all his men were likewise to be "with the king of England, and his sons." These conditions were also to be in force when the Earl was fully liberated, for the whole term of his life. The Earl then took solemn oath upon the Gospels to observe the appointed day for his return, and to keep

[1] Registrum Honoris de Morton, vol. ii. pp. 203-205. The Earl also granted a charter of the barony of Hawick to Sir William Douglas of Drumlanrig, in England, which is witnessed by those who came as hostages. Drumlanrig was himself a hostage. [The Scotts of Buccleuch, by William Fraser, vol. ii. pp. 20, 21.]

[2] Vol. iii. of this work, pp. 46, 47.

the covenants made, in token of which he affixed his seal to the duplicate document retained by Henry.[1]

On the same day, 14th March 1406-7, safe-conducts were issued for the Earl's hostages,[2] but the Earl did not leave England until the 24th of May following, when he received formal permission to depart, and to remain in Scotland until the 1st of November.[3] In a letter from Henry the Fourth to the Scottish Regent, on negotiations for peace between the two countries, the king refers to the fact of Douglas being on his way northward, and that he would be able to convey to the Regent the wishes of the English Court.[4]

The Earl did not return on the 1st of November, as on the 17th of that month he granted at Edinburgh the lands of Herbertshire, in the county of Stirling, to Henry, Earl of Orkney.[5] After his return to England, he remained there until the 22d of April, and was then again released on parole until the 11th of June following, giving hostages as usual, but, so far as recorded, only four in number.[6] The Earl was in Edinburgh in May, as charters granted by him there on the 24th and 28th of that month show.[7] After his return to England in June his detention was very short, as on the 19th of that month King Henry the Fourth and he entered into another indenture at Mortlake, by which the Earl was granted permission to return to and remain in Scotland until the ensuing Easter, upon special conditions.[8] On the following day safe-conducts were granted to Douglas and his hostages.[9]

[1] Rymer's Fœdera, vol. viii. p. 478.

[2] Rotuli Scotiæ, vol. ii. pp. 182, 183.

[3] *Ibid.* pp. 183, 184. Another permission is dated 13th May.

[4] Letter, dated 22d March 1406-7, printed in The Red Book of Menteith, by William Fraser, vol. i. p. 206.

[5] Vol. iii. of this work.

[6] Rymer's Fœdera, vol. viii. pp. 519, 520.

[7] Vol. iii. of this work.

[8] Rymer's Fœdera, vol. viii. p. 536.

[9] *Ibid.* pp. 537, 538. It is interesting to note that on 1st September 1408 the Earl of Douglas obtained a safe-conduct from the king of England for a merchant ship to trade between Scotland and Normandy, with permission to make use of English ports. [Rotuli Scotiæ, vol. ii. pp. 187, 188.]

The Earl, however, did not return at the day appointed, nor did he ever return to captivity in England at all. He appears to have regarded his release as an escape, for in the charter granted by him at Edinburgh on 20th August 1409 to Sir William Crawford, lord of the Ferm, for keeping the castle of Edinburgh during the Earl's detention in England, it is said the Earl caused his seal to be affixed thereto after his escape from his enemies of England.[1] It was not so considered by the English Court, and the failure of Douglas to return was the cause of protracted negotiation. Various messengers passed and repassed to the English Court, and probably some arrangement was made whereby a further parole was accorded to the Earl; but he had evidently made up his mind not to return. His prolonged absence drew forth a strongly worded remonstrance from King Henry the Fourth, who wrote to the Duke of Albany reminding him of the requirements of knightly honour, and requesting him to use his efforts with the Earl of Douglas, so that he might conform to his duties as a knight, and return to his captivity.[2] This was subsequently followed by more peremptory demands, with a warning that, if Douglas did not return, the king of England would dispose of his hostages as he pleased.[3] This appears to have brought matters to an issue, and though there is no evidence that the Earl returned to England, there is reason to infer that his ransom was gradually being paid off. The number of hostages named at first for his release on parole was thirteen, while in 1408 it was reduced to five, and in 1413 a formal discharge was granted by King Henry the Fifth for seven hundred merks, in part payment of a sum of one thousand merks, demanded for the release of William Douglas, grandson of James Douglas of Dalkeith, one (and probably the last) of the hostages for Archibald, Earl of Douglas, who, in the discharge, is styled "lately the prisoner and captive of our illustrious father."[4] Until this arrange-

[1] Vol. iii. of this work.

[2] The Red Book of Menteith, by William Fraser, vol. i. p. 212.

[3] Rotuli Scotiæ, vol. ii. p. 194.

[4] *Ibid.* p. 205.

ment was made, Douglas is never found taking part in business between the two countries, but he was employed in negotiating a truce in 1411.[1]

The Earl of Douglas had returned to Scotland in June 1408, and in the same year, through the mediation of Walter Haliburton of Dirleton, the Earl of March was reconciled to the Duke of Albany, and obtained back his ancestral earldom of March, which had been in the possession of the Earl of Douglas since the year 1400.[2] To reconcile the Earl of Douglas to the loss of the March territory, he was permitted to retain Annandale and the castle of Lochmaben; and to make the transference of this large domain legal and effectual, Annandale was formally resigned by George Dunbar, son and heir of George, Earl of March, at Haddington, in favour of Archibald, Earl of Douglas, who received a charter thereof from Robert, Duke of Albany, to hold to himself and his lawful heirs-male, whom failing, to the Earl of March and his heirs. This charter was granted at Haddington on 2d October 1409, and marks the date when the Earl of Douglas and Lord of Galloway added to his titles that of Lord of Annandale.[3]

In the preceding month of September the lands of Cortachie in Forfarshire were granted by the Regent Albany to his brother, Walter Stewart,

[1] Rymer's Fœdera, vol. viii. p. 686. 23d May.

[2] The Earl of Douglas refers to his own barony of Dunbar in a precept for infefting John Swinton in his father's lands, dated 16th October 1407. [Vol. iii. of this work.] The Earls of Douglas and March were co-witnesses to an instrument affecting the lands of Mar, in the toll-house of the bridge of Perth, on 18th July 1410. [Mar Minutes of Evidence, p. 636.]

[3] Registrum Magni Sigilli, vol. i. p. 241. The Earl had dealt with the lands of the lordship of Annandale also as his own property. A charter is still extant by which he granted to William Johnstone, one of his retainers, the lands of Drumgrey, in Dumfriesshire. [Vol. iii. of this work.] His first appointed steward of Annandale was Sir Herbert Maxwell, lord of Carlaverock, whose fee was fixed at £20 annually, and all the fines levied in his courts of 18s. and under. [The Book of Carlaverock, by William Fraser, vol. i. p. 123; Registrum Magni Sigilli, vol. ii. No. 242.] The Earl also made grants of lands in Annandale to two of his esquires, Simon Carruthers of Mouswald and Gilbert Grierson. [Historical MSS. Commissioners' Sixth Report, pp. 709, 710.]

Earl of Athole, on the resignation of Archibald, Earl of Douglas, at Perth.[1] This may have some connection with the transactions respecting Annandale, as showing that Douglas gave to the Crown some equivalent for that territory. Cortachie at one time belonged to the Earl of Strathern, and came by marriage into the Moray family,[2] from which it was probably brought to the third Earl of Douglas by Joanna Moray of Bothwell, and inherited by their son. The baronies of Abercorn and Aberdour, sometimes described as in the lordship of Buchan, and sometimes as in Aberdeenshire, which also appear to have been brought by Joanna Moray to her husband, were now become an integral part of the Douglas estates. These two baronies were bestowed by the fourth Earl of Douglas upon his younger brother, James Douglas, lord of Balvany, but the superiority remained with the chief of the house.[3] It is probable that it was also by this Earl's gift James Douglas of Balvany came into possession of Avondale, and other lands in that district, which he held at a later period.

The friendly relations between Douglas and the Regent Albany, which seem to have existed unbroken during the whole period of their lives, were in June 1409 strengthened by their entering into a bond for mutual assistance and support. They engaged to maintain towards one another "full friendship and kindness," faithfully to counsel and assist each other, to send warning and information to each other of any peril, and to make no similar bond with any without the other's consent, their allegiance due to their sovereign, King James the First, being duly excepted. This bond, which is very minute in its details, was made between Albany and Douglas

[1] Registrum Episcopatus Brechinensis, vol. i. p. 25; vol. ii. p. 14.

[2] The Red Book of Menteith, by William Fraser, vol. i. p. 456.

[3] Registrum Magni Sigilli, vol. ii. Nos. 43, 49. In 1408 James Douglas granted certain portions of these lands to William Fraser of Philorth and Patrick Reede Ramsay, which were confirmed by his brother the Earl. [The Frasers of Philorth, by Lord Saltoun, vol. ii. pp. 220-224.]

merely as subjects, and a special clause was inserted which provided that if the Duke of Albany succeeded to the throne, the bond would *ipso facto* expire. But the kindness between them was to be maintained in all time, and between their families, a clause of the bond providing for the inclusion in its arrangements of two of the Duke's grandsons, Robert Stewart of Fife and Walter Stewart of the Lennox, and the two sons of the Earl of Douglas, Archibald and James, if they desired it.[1]

This alliance between the Regent and the Earl of Douglas was cemented by the marriage of the Earl's daughter, Lady Elizabeth Douglas, to John Stewart, Earl of Buchan and Chamberlain of Scotland, the second son of the Duke of Albany, the contract for which was made at Perth in July of the following year. A papal dispensation was to be obtained with all speed, and the Earl of Douglas was to bestow upon them the lands of Stewarton and Ormisheuch in Ayrshire, to the value of two hundred marks. These lands were part of the jointure lands of the Countess of Douglas, and in the event of her surviving her husband, a sum equal to the rent of these lands was to be paid by the heirs of the Earl yearly out of the baronies of Bothwell, Strathavon, Drumsargart and Cumnock, unless the Earl succeeded in getting the Countess to resign her interest in the lands named. If there were no heirs of this marriage, and no lawful male heirs of John, Earl of Buchan, the lands were to revert to the Earl of Douglas and his heirs. For his part, the Earl of Buchan promised to give his wife, as dowry, land yielding two hundred marks of free rent yearly.[2]

The marriage, however, did not take place before November 1413, when the Duke of Albany granted to his son, the Earl of Buchan, and his still future spouse, a number of charters, among which were three referring to the

[1] Indenture, dated at Inverkeithing, 20th June 1409; The Red Book of Menteith, by William Fraser, vol. ii. pp. 277-280. See also vol. iii. of this work.

[2] The Red Book of Menteith, by William Fraser, vol. ii. pp. 281-283.

lands of Stewarton, Ormisheuch and Dunlop in the barony of Cunningham, and Trabuyage in the earldom of Carrick, Ayrshire, all resigned by the Earl of Douglas in their favour. The other charters refer to the lands of Touchfraser in Stirlingshire, and Tillicoultry in Clackmannan, the former resigned by John, Earl of Buchan, and the latter a gift from the Duke of Albany, and all were bestowed in conjunct fee upon John Stewart, Earl of Buchan, and Elizabeth Douglas, whom he was to marry.[1]

Bower relates that in the year 1412 the Earl of Douglas, with a large company of knights and squires, embarked in a ship for a voyage to France. Thrice the seamen spread the sails to the wind, but as often did the wind prove contrary. At the suggestion of his fellow-traveller, Henry, Earl of Orkney, Douglas directed his course to Inchcolm, and there at the shrine of St. Columba, with an offering, sought the saint's propitious influences for his voyage. Re-embarking, the western breezes at once filled their sails, and, under the saint's guidance a successful voyage was made, not to France, but to Flanders.[2] There was certainly an embassy sent from Scotland to Flanders during this year, probably with regard to the furtherance of commercial enterprise, as all the burghs were specially required to furnish loans for the expenses.[3] In the accounts of the Chamberlain, Douglas is not named as one of the ambassadors, but his adherent, Alexander Carnys, provost of Lincluden,[4] was one of those appointed to go to France. They were

[1] Charters dated May and November 1413; Registrum Magni Sigilli, vol. i. pp. 254-256. Among the other possessions of this Earl of Douglas were the lands of Grandtully, Kyltilich and Aberfeldy, in the abthanery of Dull, Perthshire. These lands he bestowed upon Alexander Steuart, fourth son of John, Lord Invermeath and Lorn (who resigned them for a regrant to his son), and he founded the family of Steuart of Grandtully. The charter is dated 30th March 1414. The precept is dated 8th March following. [The charter and a facsimile of it are printed in The Red Book of Grandtully, by William Fraser, pp. 4-7.]

[2] Fordun, à Goodall, vol. ii. p. 447.

[3] Exchequer Rolls, vol. iv. pp. 137, 139, 140, 143, 145, 148, 149.

[4] This was the second Provost of Lincluden, and his burial-place was only recently discovered among the ruins of Lincluden Col-

long detained in port waiting for a favourable wind, and incurred considerable expense for the freight of vessels and otherwise. But before the wind permitted them to leave Scotland, their instructions, for some reason, were revoked, and £200 were paid them, to indemnify their costs, although the Chamberlain adds there was no return therefor.[1] This delay on account of the contrariety of the wind accords with what is related by Bower, and probably refers to the very same expedition which afterwards, under the conduct of Douglas, sailed to Flanders.

Douglas found his way to Paris, and on 11th April 1412 entered into a treaty of alliance and confederation with John, Duke of Burgundy, Lord of Flanders,[2] and commonly known as Jean sans Peur. The Earl engaged to come personally, when required, with four thousand men-at-arms, archers, and others to the Duke's assistance, in the counties of Flanders and Artois, on condition that the Duke defrayed the expenses of the passage, and paid the troops while in his service. On the other hand, the Duke obliged himself to pass into Scotland, at the first requisition of the Earl, with three hundred men-at-arms, and maintain and pay them at his own cost for the space of two months. In the following October one of the sons of the Earl of Douglas paid a visit to the Court of the Duke of Burgundy, who presented him with a golden cup of the weight of four marks.[3] In the following year, 1413, the Earl of Douglas seems to have meditated another visit to the Continent, as he obtained a safe-conduct from Henry the Fifth of England to pass through France, Flanders, and England,[4] but it is not apparent whether the Earl was abroad at this time or not.

lege. His tombstone bears the following inscription:—Hic iacet magister Alexander de Carnys . . . qui me calcatis pedibus prece subveniatis. *i.e.* Here lies Master Alexander of Carnys. . . . Ye who tread on me with your feet assist me with a prayer.

[1] Exchequer Rolls, vol. iv. p. 164.

[2] Cf. Chronicles of Monstrelet, vol. i. p. 33.

[3] Les Ecossais en France, par Francisque Michel, vol. i. pp. 113, 114. The same Duke, during this year, sent a present of tapestry to the Duke of Albany.

[4] Dated 26th August 1413, to terminate on 15th November. Rotuli Scotiæ, vol. ii. p. 207.

In the accounts of the Chamberlain for the year 1412 there is mention of a sum of £500 paid to Archibald, Earl of Douglas, for his labours and expenses on the marches of the kingdom and elsewhere, for the weal and quiet of the country.[1] He was also engaged during some part of the preceding year in holding what were known as March days, when the wardens on both sides of the Border met, heard complaints, rectified abuses, and, if need be, negotiated for prolongation of the truces.[2] Bower relates that in this year the Earl presided at a duel fought at Battlehauch between John Hardy and Thomas Smith. The latter had been the aggressor by falsely accusing the former of treason, but the duel terminated fatally for Smith, who was slain.[3]

It was because of these and similar duties that from about this period and until 1423 the Earl of Douglas laid the customs of the realm under contribution, and appears to have used the custumars of Edinburgh as if they had been his private purse-bearers. For their own exoneration the custumars always recorded the payments made to the Earl, or taken from them when they were unwilling to accede to his demands, and the matter was left to be settled between the governor and the Earl of Douglas. For the Earl's services as warden of the Marches, or, one may almost say, as co-guardian of the realm with Albany, there was no remuneration appointed. Albany was averse to imposing taxes upon the people, and yet the heavy expenses incurred by Douglas had to be met. The money was not expended upon the Earl himself but upon days of truce, or Border raids, or expeditions into England on a larger scale, as when in 1415 he burned Penrith,[4] and in 1420, Alnwick.[5] He also frequently granted discharges under his signet for the sums received, and his proceedings do not appear to have incurred the

[1] Exchequer Rolls, vol. iv. p. 190.

[2] During 1411-12 the Earl is twice credited with receiving for this service the sum of £66, 13s. 4d.—*Ibid.* p. 163.

[3] Fordun, à Goodall, vol. ii. p. 447.

[4] *Ibid.* p. 448.

[5] *Ibid.* p. 460.

displeasure of the regent. It was perhaps the most convenient method at the time and in the circumstances for the effective carrying on of the work of the State.[1]

During the years 1415 and 1416 the Earl of Douglas took a leading part in the negotiations then carried on for the ransom of King James the First of Scotland. He was one of the barons to whom King James wrote more than once, to stir up his uncle Albany to expedite his release. The drafts of some of these letters, written apparently in January 1416, have been recently discovered and printed.[2] On 26th January 1416 the Earl of Douglas received permission from King Henry the Fifth of England to come to England accompanied by forty of a retinue. His safe-conduct was to endure for two months,[3] and though the business is not stated, it must have been the same as that which caused its renewal at the close of the same year, when safe-conducts were granted by the English king to the Earls of Douglas, Athole, Crawford, Mar, and others, to come to England to see their king in reference to his release.[4] In connection with these services it is worthy of notice that Douglas himself refers to them in an assurance granted by him to the abbot and convent of Melrose when invited by them to arbitrate in a dispute between them and the Laird of Bemerside, respecting the lands of Redpath. The monks put their case before the Earl, who

[1] Exchequer Rolls, vol. iv. pp. 175, 177, 201, 224, 253, 277, 300, 322, 324, 341, 368. The Earl is mentioned in the Exchequer Roll of 12th June 1412, as having received the sum of £940, 9s. 3d., of which the Chamberlain says he took a great part in payment of the pension due to his sister, the Duchess of Rothesay, concerning which, and the balance, the Regent was to be consulted and himself to reckon with the Earl of Douglas, who, it is added, has been at great expense for the welfare of the kingdom. [*Ibid.* p. 163.] In the same year, at the Regent's command, the custumars of Inverkeithing paid £40 to the Earl of Douglas. [*Ibid.* p. 150.]

[2] The Red Book of Menteith, by William Fraser, vol. i. pp. 283-286.

[3] Rymer's Fœdera, vol. ix. p. 329.

[4] Dated 8th December, 1416. *Ibid.* pp. 418, 419.

says, "We think, God grantand, to make finable accorde betwix thaim in this mater, bot be cause of hee and grete besines that we hade appoun hande to do in sere[1] contreis in the tyme of the rising of this discorde that we might noth gudli dresse vs to melle tharwith, at oure speciale instance and besy request," the abbot and monks put off their plea to Fastern's Even next.[2] He afterwards settled the dispute in their favour.[3] The negotiations affecting the king were not successful.

Between these two visits to England occurred what was popularly known as the "Foul raid." England and France were at war, and while the King of England and so many of his troops were absent in France, Albany projected an expedition to the English borders. The Scots are said to have been incited to this by an English revolutionary faction, called the Lollards,[4] but they may more probably have been guided by their friendship for France, to make a diversion in her favour. Having collected a large army, the Regent sent a detachment under the Earl of Douglas to besiege Roxburgh Castle, while he proceeded with the rest to beleaguer Berwick. But on a report that the king of England's brother, the Duke of Bedford, was rapidly approaching the Borders with an army of one hundred thousand men,[5] both sieges were suddenly raised and a precipitate retreat made homeward by the Scots. The rumour proved false, and hence the popular name attached to the enterprise.[6]

The English appear, however, to have retaliated fiercely upon the Scots, and for a considerable time a desultory warfare raged on the Borders. Teviotdale and Liddesdale suffered severely, and a number of flourishing Border towns, including Hawick, Selkirk, and Jedburgh, were burned. It was

[1] Several. [2] Galashiels (Gallowschele), 17th December 1416. Liber de Melros, pp. 539, 540.
[3] 10th July 1418, at Edybredschele.—*Ibid.* p. 541.
[4] Walsingham's Historia Angliae, p. 446. [5] *Ibid.* p. 447.
[6] Fordun, à Goodall, vol. ii. p. 449.

probably during this period that James Douglas, the younger son of the Earl, was made prisoner by the English, necessitating the proceedings which were taken for his ransom in 1418 and 1419.[1]

Murdach, second Duke of Albany, who in 1420 succeeded his father, Duke Robert, in the regency, was, it is generally agreed, weak in his administration. Douglas appears to have been on less cordial terms with the son than with the father, and took a very active part in negotiating for restoration of the king. James had been taken by Henry the Fifth to France in the hope of counteracting the aid then being given by the Scots to the French, and thither Sir William Douglas of Drumlanrig was despatched on a mission to confer with him.[2] Douglas himself went to England in the following April, and an agreement was drawn up by which King James was to be allowed three months' leave of absence in Scotland after his return from France.[3] The document refers to the already prolonged negotiations between the two sovereigns, and states that at length, by the intervention of the Earl of Douglas, this arrangement had been concluded. Twenty-one hostages of high rank were to take the king's place, one of them being James Douglas, the second son of the Earl.[4]

In view of his temporary liberation, King James commanded the Earl of Douglas to render all the assistance and service he could to the king of England. Douglas, therefore, obliged himself to assist King Henry the Fifth, so long as he lived, with two hundred knights and squires sufficiently armed and appointed for war, and two hundred mounted archers, wherever the king of England desired him. These soldiers were to receive the same wages as the king of England allowed his own subjects, to begin on the day of their entry into England, by next Easter, or within fourteen days thereafter

[1] Rotuli Scotiæ, vol. ii. pp. 223, 224.

[2] Rymer's Fœdera, vol. x. pp. 18, 19. Safe-conducts dated 30th August and 7th September 1420.

[3] Rotuli Scotiæ, vol. ii. pp. 228, 229.

[4] *Ibid.* p. 229.

at Newcastle, if their further journey was to be by land, or at Berwick-on-Tweed, if it was to be taken by sea, at the direction of the king of England. In return for this service, the Earl was to receive a pension of two hundred pounds yearly, so long as he and Henry both lived; his shipping was to be provided, and, while in England, he was to be under the protection of the king, who became responsible for his debts, transgressions, etc., until he returned to his own country. These conditions were solemnly sworn to by both parties, and each appended his seal to the duplicate retained by the other, the whole being concluded at London on 30th May 1421.[1]

Had the terms of this agreement been carried out, and had the Earl of Douglas passed to France with Henry the Fifth, he would have been opposed to his eldest son and many of his own former comrades in arms, who were at this time with the Earl's own consent in the service of the king of France, and actively engaged against the armies of England. One is at a loss to assign any good reason for the Earl of Douglas taking such a step as is here described, unless it be that he felt powerless to resist the entreaties, and it may have been the threats, of his captive sovereign, who was now straining every effort for his own release. The English king, also, who had just received news of the defeat of his army by the Scots at Baugé, in France, doubtless used his utmost influence with King James to impress Douglas into this agreement, as an essential element in the conditions for his release. Happily, however, for Douglas, the death of King Henry the Fifth in the following year, and apparently before the Earl's services were called into requisition, released him from what must have been a painful and unwilling engagement.

The Scots, who were in France under the leadership of the Earls of Buchan and Wigtown, were there in the interest of Scotland, having been sent by the Regent Albany and his council at the earnest entreaties of the French. These leaders appear to have urged the Dauphin to secure the Earl of Douglas for

[1] Rymer's Fœdera, vol. x. pp. 123, 124.

his own service, a measure which the Dauphin at once adopted, and despatched the Earls of Buchan and Wigtown to Scotland, in 1423, to bring Douglas to France. Buchan had been raised to the honourable post of Constable of France, and, with other ambassadors he returned to Scotland to negotiate with his father-in-law.[1] On 26th October 1423, Buchan and the others met with the Earl at Glasgow, and he there granted letters in which he promised faithfully to observe the ancient treaties between France and Scotland, and to pass into France on 6th December following with other lords and soldiers.[2]

In terms of this compact, Douglas now made preparations for his departure to France, almost, it would seem, with the presentiment that he would not return. This may be indicated by his gifts to the Church. On the 6th of December, the day appointed for leaving Scotland, he was at Bothwell, and made a mortification of the lands of Crugilton and Polton, in Wigtownshire, in favour of the prior and convent of Whithorn;[3] and he was still at Bothwell four days later.[4] On 6th February following he was at Edinburgh, where he addressed a strong charge to his son, Archibald, Earl of Wigtown, to continue to cherish and show that affection to the monks of Melrose which his progenitors had always manifested, as he would desire his father's blessing and the blessing of the Church.[5] The Earl of Wigtown did not at this time accompany his father to France, but remained (some say on account of sick-

[1] Stevenson's Letters and Papers illustrative of the Wars of the English in France in the time of King Henry VI., vol. ii. pp. 15, 16.

[2] Michel's Les Ecossais en France, etc., vol. i. p. 136, note.

[3] Registrum Magni Sigilli, vol. ii. p. 3. The lands of Crugilton were also granted, on 27th March following, by Margaret, Countess of Douglas, for the construction of a chapel in the church of Whithorn, and the maintenance of a canon serving therein. [*Ibid.*]

[4] Registrum Magni Sigilli, vol. ii. No. 256.

[5] Liber de Melros, vol. ii. pp. 492, 493. The Earl himself had, on 16th January 1418-19, bestowed in alms-gifts upon the monks of Melrose the regality of Eskdalemuir, in Dumfriesshire. [*Ibid.* p. 498.] At an earlier period of his life he had gifted the church of Kyrcum to the monks of Sweetheart Abbey. [The Book of Carlaverock, by William Fraser, vol. ii. p. 417.]

ness) in Scotland, and took part in the proceedings consequent on the liberation of King James the First from his English captivity.

It is worthy of remark that from the time that the Earl of Douglas was forced into the treaty with King Henry the Fifth of England, he appears to have personally taken no active part in the measures for the king's release, though his secretary, Mr. William Foulis, was frequently one of those engaged in the negotiations.[1] But before the Earl left the country everything had been finally arranged for the king's return,[2] suggesting that these arrangements may have been the cause why his departure was delayed from December to February or March.

After a somewhat stormy voyage, and much risk from other causes, the Earl of Douglas landed at Rochelle, the governor of which, Henri de Pluscallec, was instructed to defray the expenses of the voyage from Scotland, and the landing of the troops in France.[3] Douglas brought with him an army of ten thousand knights and soldiers. On his arrival he proceeded to the Court of King Charles the Seventh, then at Chatillon-sur-Indre, and followed it to Bourges. There, on 19th April, the Earl took the oath of fealty to the French king, who appointed him lieutenant-general of his forces, and bestowed upon him the Duchy of Touraine.[4] Being a peerage duchy, this grant conferred the

[1] Rotuli Scotiæ, vol. ii. pp. 231-238.

[2] *Ibid.* pp. 241-249.

[3] Michel's Les Ecossais en France, vol. i. pp. 136, 137, where some interesting information on this subject is presented. In the course of two voyages made to Scotland, six large vessels were lost, and the transit of the Scottish auxiliaries generally was a source of great expense to the king of France.

[4] The deeds signed and sealed by the Earl of Douglas at Glasgow and Bourges are preserved in the Tresor de Chartres at Paris. In his oath of fidelity taken at Bourges, the Earl is styled "Duc de Tourraine." It narrates that the king of France had been graciously pleased, from his love and confidence in him, to call him to his service, and to appoint him his lieutenant-general for war throughout all his kingdom; and further, had been pleased, from his great liberality, and in order that the Earl of Douglas might remain for ever his man, vassal, and subject, and might be perpetually attached towards him and his kingdom, had given to him the Duchy of Touraine. Wherefore the said Archibald, Duke of Touraine, acknowledging the great

title of Duke of Touraine on Douglas, and both lands and peerage were made descendible to the lawful heirs-male of his body. Certain crown rights were reserved, as the patronage of the churches of the duchy, which the king could not alienate from the crown; but, as if in lieu of these, Charles added the town and castle of Chinon, with all their dependencies.[1]

This gift, which is said to be granted in return for the services of the Earl and his eldest son, the Earl of Wigtown, was made in form of charter, and signed by the king and his grand council. It was then taken by the Chancellor to the French Exchequer (Chambre des Comptes), which met in the capital of Berry, but the lords of Exchequer at first refused to approve the grant. They gave as a reason that the document was only addressed to Parliament, and moreover, that it was their duty to oppose all alienation of the crown lands. On learning this, the king ordered the refractory lords of Exchequer to appear before his council, and there expressly charged them to verify the gift, notwithstanding all their objections, and discharging them of all consequences. They accordingly ratified and recorded the gift on 25th April, and in the Parliament which met at Poitiers, it was published and recorded on the 30th of the same month.

When the news of the bestowal of the duchy of Touraine reached Tours, the capital of the province, it threw the inhabitants into a state of consternation, and ecclesiastics, citizens, and other indwellers having assembled, went to the lieutenant of the bailie of Touraine, desiring that one of their

honours and benefits thus received, had, with great solemnity, promised and sworn, in presence of his grand council, and, by these presents, again promised and swore, on the word of a prince, that as long as he lived he should be true and loyal vassal, subject and obedient, and, as such, should serve and obey the king of France, and that he should not make any alliances or confederacies with any persons whatsoever, either in France or elsewhere, without the good pleasure of his majesty. The letters-patent conferring the duchy are preserved in the Chambre des Comptes at Paris. [A. Stuart's History of the Stewarts, pp. 137-139.]

[1] Vol. iii. of this work.

magistrates and the king's sergeant should go to Bourges to learn if the news was true, and if so, what course the king wished them to follow so as to secure the honour and welfare of their town and country. On their return, these messengers reported that the news was true, and brought with them a copy of the king's deed of gift; but they quieted the fears of their fellow-citizens by assuring them that the town and country would be governed mildly and peaceably, and that before the Earl of Douglas came to take possession, the king would send letters to the people, and some of his officers, including the Chancellor and the bailie of the duchy, who would explain more fully the king's reasons for giving away the duchy, and advise them what to do.

It was customary to receive the new lords of provinces with great ceremony and a number of presents, and the inhabitants of Tours resolved so to meet the Earl of Douglas. The presents consisted of six pipes or twelve hogsheads of wine, six hogsheads of oats, fifty sheep, four fat oxen, and one hundred pounds of wax in torches. The citizens deputed two of their clergy and four notables to go to Loches to compliment the Duke in name of the town, and formed a company of mounted citizens who should escort him. These met the Duke at some distance from Tours and accompanied him to the town. He made his entry on the 7th of May by the gate of Notre-Dame-la-Riche, being received there by the four magistrates of the town, and by all the citizens armed. Martin d'Argouges, the chief magistrate, presented the Duke with the keys of the town, and in a speech, prayed him to maintain the inhabitants in their privileges, freedoms, and liberties. This was promised by the Duke, and the magistrates took instruments of his consent in the hands of three notaries provided for that purpose. Having received the keys, the Duke returned them to the keeping of the chief magistrate, and then entered the town, which was *en fête* for the occasion with decorations of tapestry and flowers, and was hailed with acclamations from the people. The Duke's first progress was to the Cathedral, at the chief entrance of which he was met

by the archbishop and all the canons in their copes, and was presented by the dean with a surplice, an amice, and a breviary. He took the oath, and was received as a canon, and installed in the choir, in presence of Louis de Bourbon, Comte de Vendome, Great Chamberlain of France, John de Bourbon, his brother, Prince of Carency, Francis de Grigneux, and many other lords. Next day he was in the same manner installed as an honorary canon of the church of St. Martin's of Tours.

After these ceremonies the Duke, it is said, appointed Adam Douglas, his cousin, governor of the town and castle of Tours, by letters dated 27th May. To their new governor the inhabitants, after consultation with their magistrates, presented two pipes of wine and a hogshead of oats. The governor had, as his lieutenant, a Frenchman called William Huillier.[1]

The Duke of Touraine did not long enjoy his French estates and honours. Under the Duke of Bedford, the English army had laid siege to the castle and town of Ivry, quickly reducing the town, but finding the castle too strong and well victualled to yield without a struggle. After holding out for a month, the governor of the castle promised to surrender if not relieved by the king of France by a certain day. Charles and his council were resolved, if possible, to save the castle, and the Duke of Touraine and Earl of Buchan were despatched in haste to raise the siege, the Duke's town of Tours contributing one thousand pounds to the expenses of the expedition. On their way to Ivry they took Chateaudun, and were there joined by a body of Frenchmen, under the Duke of Alençon, the Marshal of La Fayette, the Viscount of Narbonne, and others. The castle of Ivry, however, had not been relieved by the French in time, and had therefore been handed over, on the expiry of the period of truce, to the Duke of Bedford. The allied French and Scottish army were at no great distance, but observing the strong position of the English army, they retreated to Verneuil. This town

[1] Michel's Les Ecossais en France, vol. i. pp. 138-140.

was loyal to the English, but the troops under the Duke of Touraine got possession of it by a stratagem. The credit of the attempt is given to the Scots, who bound the hands of a number of their own comrades, smeared their hands, faces, and arms with blood, led them at the tails of horses, and came to the town with loud shouts, and cries in the English tongue that a total defeat had been inflicted on the Duke of Bedford and his army. Deceived by this story, the garrison of Verneuil at once yielded, and promised fealty to King Charles the Seventh of France, the English in the town being given passports to enable them to join their own party elsewhere.

Bedford, however, pursued the French to Verneuil, and sent a herald to the Duke of Touraine with the message to wait for him because he wished to drink with him. The Duke, who is said to have derisively styled Bedford "John with the leaden sword," replied that he had come from Scotland expressly for that purpose. Both armies then prepared for action, many knights being created on both sides, and among the Scots knighted was James Douglas, the younger son of the Duke of Touraine.

On 17th August 1424 was fought the fatal battle of Verneuil, the issues of which were so disastrous for the Scots. Jealousies are said to have sprung up between the French leaders and their allies, and the defeat sustained has been attributed to the rash disobedience of the Viscount of Narbonne to the wishes of the Duke of Touraine, who was in chief command. On Bedford's approach, the Duke of Touraine, against the opinion of the French leaders, declined to advance to meet him, as he would lose the advantage of the strong position which he had taken up. He preferred therefore to await the attack of the English army. Narbonne deemed this cowardly, and declared that he would go himself, though no one followed him, and accordingly led forward his contingent to action. Seeing that Narbonne's certain defeat would tend to his disgrace, Douglas determined to risk an advance, and the battle began. The shouts of the English frightened the Frenchmen, and many

of them turned and fled, leaving their Scottish allies to sell their lives as dearly as possible. It was a life or death struggle, for before the conflict began the Duke of Bedford, it is said, sent to inquire the terms of the battle, and was answered by the Duke of Touraine that they would not that day make prisoners of the English, and neither should the English of them. The Scots accordingly expected and received no quarter, and nearly all those engaged in the battle were slain. To have fled and been taken was on these terms as certain death as to be slain in the fight, and it is generally stated that in this battle the Scottish allies of the French were all but exterminated. The Duke of Touraine and his son were both slain, with the Earl of Buchan and many other illustrious Scots. The bodies of the Duke and his son were ransomed from the English, carried to Tours, and, on 24th August, buried, without pomp or ceremony, in the same grave in the middle of the choir of the Cathedral Church of Tours. In consideration of the services of the Duke and his son, the king caused the wages of the officers of their households to be paid, and also all others who had supplied them with necessaries on the way. The debts of the Duke are said to have been 4357 livres 14 sous, 2 deniers tournois and 14 écus, and those of his son James, 1690 livres 5 sous, 6 deniers tournois and 17 écus. The king also directed the Archbishop of Rheims to go to Tours and advise the inhabitants to pay the debts of the late Duke or his governor.[1]

As already stated, Archibald, fourth Earl of Douglas and first Duke of Touraine, married the Princess Margaret, eldest daughter of King Robert the Third.[2] She survived her husband, and, after his death, was styled Duchess

[1] Michel's Les Ecossais en France, vol. i. pp. 146-150; Monstrelet's Chronicles, vol. i. pp. 509-512; Fordun, à Goodall, vol. ii. pp. 463, 464.

[2] On 3d November 1413 a safe-conduct was issued by King Henry the Fifth of England for the coming to England of Herbert Maxwell, son and heir of the Lord of Carlaverock, and others, as hostages for payment by the Countess of 500 marks (English) to John Philip, in terms of an indenture made between the Countess and her creditor at Raby shortly before. [Rotuli Scotiæ, vol. ii. p. 208.]

of Touraine in addition to her other titles of Countess of Douglas and Lady of Galloway. Shortly after the Duke's death, the duchy of Touraine was given by the king of France to Louis of Anjou, king of Sicily, but the heirs-male of the Duke continued to use the title.

The Duchess of Touraine, on 3d May 1426, received from her brother, King James the First, permission to hold and possess the entire lordship of Galloway during all the days of her life, in the same manner as it had been held by her husband and his father.[1] She held the lordship for a quarter of a century, until January 1449-50, when she resigned it in favour of William, eighth Earl of Douglas.[2] She resided at the Castle of Thrieve, where charters granted by her were dated.[3] One of these charters was a grant, by the king's special licence, of certain lands in Kirkcudbrightshire, Eastwood, Barschryve, Suthake,[4] Barness, and others, which she "had purchased with her own silver and gold," for a chaplainry in the Collegiate Church of Lincluden, for the welfare of the souls of her father and mother, King Robert the Third and his queen Annabella Drummond, her brother King James, and for the souls of Sir Archibald, Earl of Douglas, of Sir Archibald, Duke of Touraine and Earl of Douglas, his son and her spouse, of Sir James of Douglas, their son, and of herself.[5] She also granted a charter of the lands of Lochnaw to Andrew Agnew, her esquire, and made him constable of Lochnaw.[6]

[1] Registrum Magni Sigilli, vol. ii. No. 47. On several occasions King James the First made small gifts to his sister the Duchess of Touraine. In 1425 he gave her the sum of £26, 13s. 4d.; in 1429 and 1435 he remitted customs due by her of £13, 6s. 8d. and £13, 12s., and in 1434 gave her the farms of the barony of Old Roxburgh. [Exchequer Rolls, vol. iv. pp. 381, 472, 597, 607.]

[2] Acts of the Parliaments of Scotland, vol. ii. p. 64.

[3] Registrum Magni Sigilli, vol. ii. Nos. 86, 87, 133, 183, 255.

[4] The ten pound lands of Southwick are mentioned in the accounts of the Chamberlain of Galloway in 1462 and 1469 as having been given by the late Duchess of Touraine to a chaplain officiating in Lincluden. [Exchequer Rolls, vol. vii. pp. 115, 604.]

[5] Dated 22d September 1429. Registrum Magni Sigilli, vol. ii. No. 133.

[6] 10th November 1426. *Ibid.* Nos. 183, 184.

After the death of her son, the fifth Earl, in 1439, and the murder of her two grandsons in the year following, the lawful male line of the Duke of Touraine being thus brought to an end, the Duchess addressed a letter to the King of France claiming her terce out of the duchy of Touraine, and its rents and revenues for the time past and future. The letter was sent by William, lord of Crichton, Chancellor to King James the Second, who, with other business of his royal master, bore a commission from him to represent the claim of his aunt, the Duchess. She begs a good and speedy answer to her prayer, as the rights she asked had been very dearly bought by her with the blood of her husband and her children in the French king's service.[1]

The claim was made by the Duchess in conjunction with another by her nephew, William, eighth Earl of Douglas, and his Countess, Margaret, the Fair Maid of Galloway, who was the granddaughter of the Duchess. Their petition consisted of at least eleven articles, the exact terms of which have not been ascertained; but may be inferred from the categorical reply of the French king, which is still preserved in the French archives. King Charles the Seventh of France reminded the Duchess that the grant was made to the heirs-male of the body of her husband, and that without the consent of the French crown the duchy could not pass to any collateral heir, or other person, while no arrears could be claimed, because, said the king, by the law and custom of France the duchy had reverted to the crown on the death of the

[1] Letters and Papers Illustrative of the Wars of the English in France, temp. Henry VI., by Rev. Joseph Stevenson, vol. i. pp. 20, 21. The letter is written from Douglas, and dated 14th May, without the year. The editor of the Letters, etc., has placed it under the year 1425, but the true date must be between 1447 and 1450. The Duchess refers to her nephew, King James the Second, and his Chancellor, William, Lord Crichton, which, with what is stated above, render it impossible that the letter could have been written in 1425. Crichton received a safe-conduct on 23d April 1448 to proceed to France. [Rotuli Scotiæ, vol. ii. p. 332.]

first Duke of Touraine, and had remained in his own hands during the life of the Earl of Wigtown, seeing that Earl had never done homage to him for the duchy, which the nature of that appanage, and the conditions under which it was given, required he should do.

King Charles expressed himself deeply grieved at the death of the first Duke and his children, as he had been well pleased if not only they but all the other chivalry and nobility of France and Scotland had survived Verneuil. But the fortunes of war must be accepted as God is pleased to send them. He expresses his affection for the house of Douglas, and would do for the members of it what lay in his power. He also put a high value upon the services rendered by them to him, but would remind the claimants that these had already been recompensed, not only to the Duke, but to the lords of his company, who had received many and various benefits and gratuities, while the Scottish soldiers entailed great expenses on the kingdom, causing much suffering and loss to his subjects.

To the Countess of the eighth Earl of Douglas, who had requested any moveables belonging to her grandfather in the French king's hands, he replied that there were none such. He thanked the eighth Earl for the offer of his services, of which, in need, he would be careful to take advantage. But he repudiated all imputations of malice and cavilling with respect either to the original gift or his present conduct, having done nothing but what the law and custom of France required him to do, in proof of which he refers to the parallel case of the duchy of Orleans.

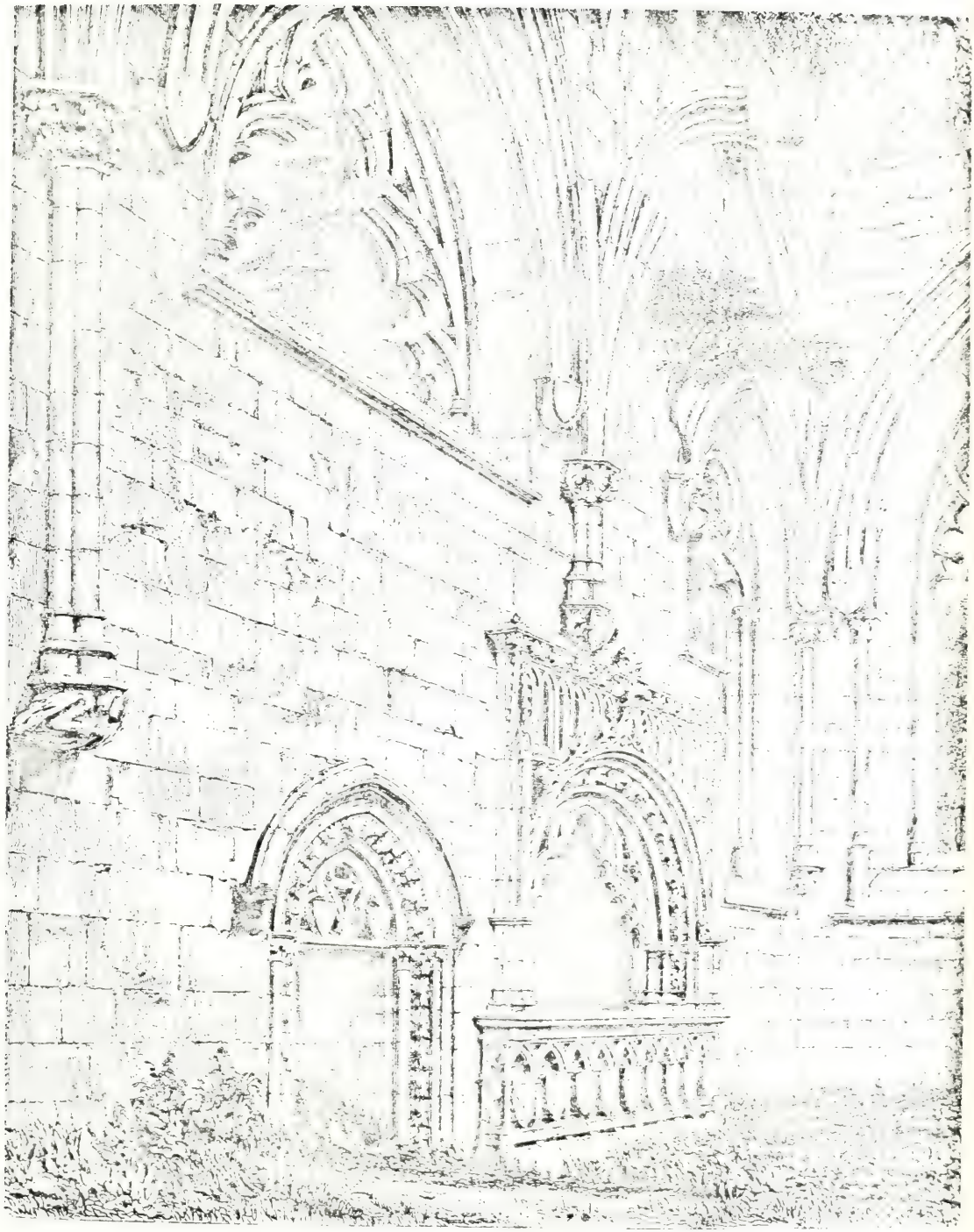
Margaret, Duchess of Touraine, survived until at least January 1449-50, when she resigned her lordship of Galloway. She is mentioned as deceased in September 1456.[1] Her sway as lady of Galloway is described as full of gentleness.[2] She is thought to have died at Thrieve, and was buried in the chancel of the church of Lincluden, where her remains were placed in a

[1] Exchequer Rolls, vol. vi. p. 196. [2] The Agnews of Lochnaw, p. 65.

sarcophagus, and an elegant tomb was erected to her memory. It is in the form of an arch ornamented with beautiful carving, and adorned in front with the armorial shields of several families. At the apex of the arch there is a beautiful device of the Douglas heart encircled with the three cups of Moray of Bothwell, Panitarius of Scotland, and the three Moray stars. On the tomb are the inscriptions, one in French, "à l'aide de Dieu," and another in Latin, thus translated—"Here lies Lady Margaret, daughter of the king of Scotland, sometime Countess of Douglas, lady of Galloway and of Annandale." Representations of the tomb of the Duchess and its armorial decorations are given in the accompanying illustrations.

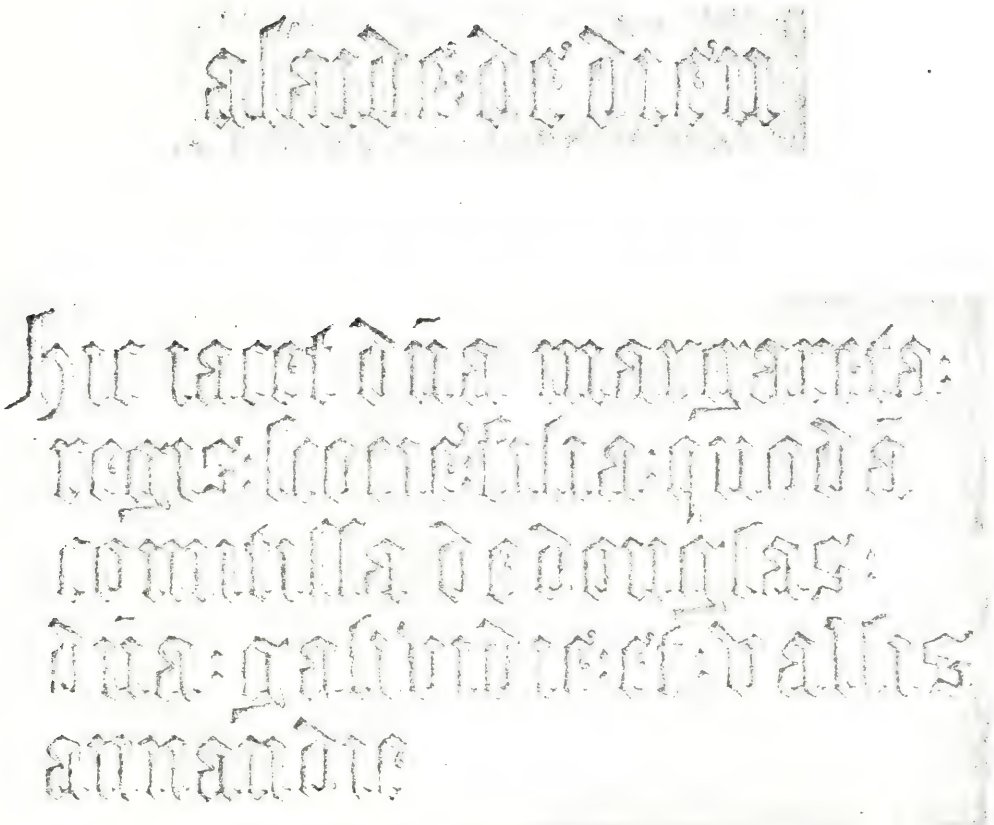
By his Duchess, Archibald, first Duke of Touraine, had two sons and one daughter.[1]

[1] Genealogists have usually assigned another daughter to Archibald, fourth Earl of Douglas, named Margaret, who, they say, married William, third Earl of Orkney. No evidence, however, has been found for this second daughter, and as the husband ascribed to her married the only known daughter of this Earl of Douglas, it is probable there has been some confusion. In addition to his children by his Duchess, the Duke of Touraine may have had several others of illegitimate birth. On 20th April 1421, the Earl of Douglas granted to Christian Ramsay the lands of Balnacrefe and Gosford, with the patronage of the Red Hospital, to be held by her during her life, and then by the first-born heir-male begotten or to be begotten between her and the said Earl of Douglas; failing the first, by the second, then the third, and so on successively. The Earl of Douglas had a manor at Balnacrief. This charter was confirmed by the Earl of Wigtown on 6th March 1422-3. According to the Auchinleck Chronicle, John of Douglas, who took part with Donald of the Isles in a raid on Inverkip, about the year 1452, was a natural son of Archibald, Earl of Douglas. [Auchinleck Chronicle, pp. 13, 55.] If this be correct he was probably the son of Christian Ramsay. She appears to have been the daughter of one of the Earl's grooms, who, gaining the favour of his master, obtained several grants of lands to himself and Christian, his wife. He also got the keepership of Lochmaben Castle, and the offices of Chamberlain and Chancellor of Annandale in February 1420-1, which appointments were renewed by the Earl on the eve of his departure for France, and confirmed by his son, the Earl of Wigtown. [Vol. iii. of this work, pp. 54-56; also Appendix; Registrum Magni Sigilli, vol. ii. Nos. 70, 71, and 143.]

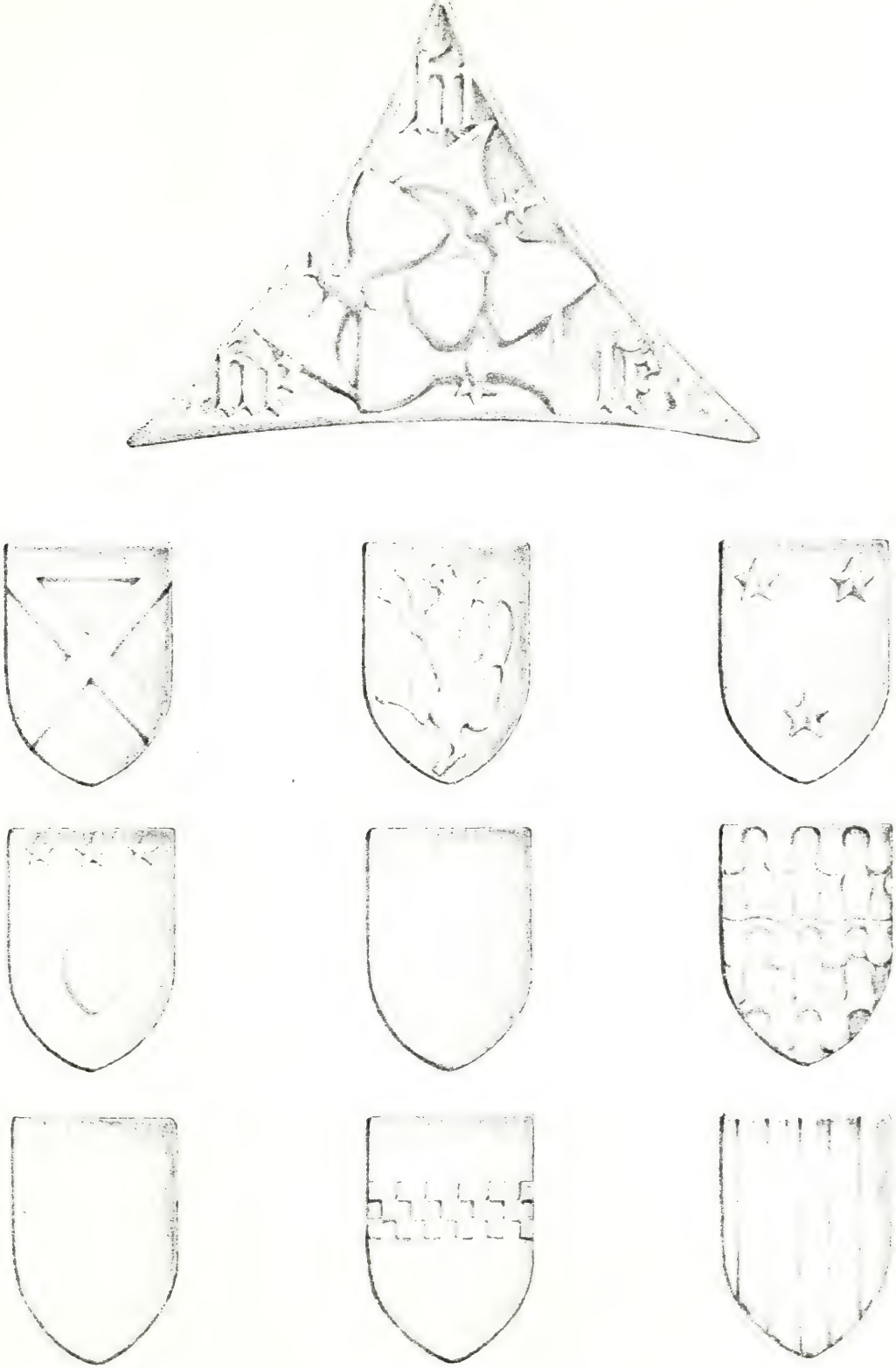


THE TOMB OF MARGARET, COUNTESS OF DOUGLAS,

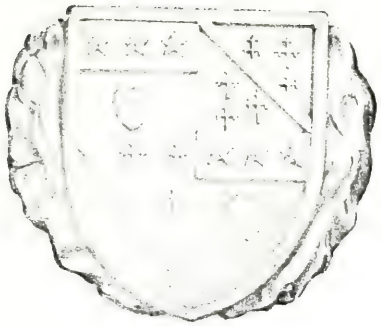
IN LINCLUDEN COLLEGE.



INSCRIPTION ON THE TOMB OF MARGARET COUNTESS OF DOUGLAS IN LINCLUDEN COLLEGE.



ARMORIAL STONES ON THE TOMB OF MARGARET COUNTESS OF DOUGLAS IN LINCLUDEN COLLEGE.









ARMORIAL BEARINGS OF THE DOUGLAS FAMILY

IN LINCLUDEN COLLEGE.

1. Archibald, Earl of Wigtown, who succeeded his father, and of whom a memoir follows.
2. Sir James of Douglas, knight, who frequently acted the part of a hostage for his father in England, and is mentioned in the agreement between his father and the Duke of Albany in 1409. He was himself a captive in England in 1418 and 1419, having probably been taken by the English in their raids into Scotland during that period, but was ransomed in 1419. He was proposed as a hostage for King James the First in 1421, but as the king's release did not take place at that time, he was not required. He afterwards witnessed several charters by his father and brother, and accompanied his father to France. He was knighted before the battle of Verneuil, but shared the fate of his father, and was buried with him in the same grave in the choir of the Cathedral Church of Tours.

The Duke's daughter was—

Lady Elizabeth Douglas, who married—1st, John Stewart, Earl of Buchan, Chamberlain of Scotland, Constable of France, etc., and had issue one daughter, Margaret, married, before 1436, to George, Lord Seton. John, Earl of Buchan, was killed at the battle of Verneuil in 1424, and Lady Elizabeth Douglas married, 2dly, Sir Thomas Stewart, natural son of Alexander Stewart, Earl of Mar. He obtained a grant of the earldom of Mar on the resignation of his father, but died in the lifetime of his father without issue. Lady Elizabeth Douglas married, 3dly, William Sinclair, third Earl of Orkney, who survived her. She is said to have founded the subterranean chapel or crypt at the east end of Roslin College or Chapel, built by her husband. Above the door of the crypt is the following inscription in Gothic characters: "Forte est vinum, fortior est Rex, fortiores

sunt mulieres, super omnia vincit veritas."[1] The Countess of Buchan and Orkney died about the year 1451.[2]

[1] Spottiswood's Account of the Religious Houses in Scotland, printed in Keith's Bishops, p. 471.

[2] Exchequer Rolls, vol. v. p. 516; vol. vi. pp. 267, 268.



VIII.—1. ARCHIBALD, SECOND DUKE OF TOURAINE, FIFTH EARL OF DOUGLAS, EARL OF WIGTOWN AND LONGUEVILLE, LORD OF GALLOWAY, Etc.

LADY EUPHEMIA GRAHAM, his Countess.

1424—1439.

THE first Duke of Touraine and fourth Earl of Douglas was succeeded in these and other dignities, and the extensive territorial possessions of his family, by his only surviving lawful son, Archibald, who became second Duke of Touraine and fifth Earl of Douglas. The four previous Earls of Douglas were renowned warriors, but it was the fate or the fortune of this Earl of Douglas to be less engaged in military than in civil affairs. As the nephew of King James the First, the Earl took an active share in establishing the king on his return to Scotland from his long captivity in England. As the first cousin of King James the Second, and the nobleman of greatest influence in Scotland, this Earl of Douglas was appointed to the office of Lieutenant-General of the kingdom, which was practically that of Regent.

This Earl of Douglas was probably born in or about the year 1390, as the marriage of his parents, the fourth Earl and the Princess Margaret, was celebrated shortly before that year. He first comes into notice as one of the hostages for his father in September 1405, and was uniformly one of the number sent to England to secure the temporary release of his father. Thus between the years 1405 and 1413, the heir of Douglas must have passed a considerable part of his youth in England, and probably was educationally

benefited by his sojourn there. He was the principal hostage, and it was part of the agreement between the fourth Earl and the king of England, that if the former died during his parole, his eldest son and heir should remain in his stead.[1] The position of a hostage inferred nothing of the unpleasantness of captivity associated with the modern idea of imprisonment. Beyond the restraints imposed by their being under official surveillance the liberty of hostages was not infringed. They might wander over all England, "through castles, walled cities, and other strongholds," without danger of imprisonment on any cause saving that of their being hostages, but defraying always the cost of their own maintenance.[2]

By the year 1413, the ransom exacted for the release of the fourth Earl of Douglas having been fully paid, the Master of Douglas must have finally returned from his duties as hostage. He had now reached the years of maturity, and for a time attended on his father in the capacity of a squire or shield-bearer.[3] During the years 1417 and 1418 the custumars of the burghs of Edinburgh and Linlithgow charged the young Douglas, in the one case, with breaking the arrest of the custumars and taking custom of over £50; and in the other, with refusing to permit payment of the custom due on his wool, and the matter was referred to the Regent.[4]

As next heir of the Douglas estates under the entail of 1342, the Master of Douglas frequently confirmed charters granted by his father. The fourth Earl, in 1410, had granted the lands of Tulliallan, in Clackmannanshire, to Sir John

[1] Vol. iii. of this work, p. 47.

[2] In May 1408, during one of those periods of sojourn in England, Archibald, Master of Douglas, was the means of procuring from King Henry the Fourth the pardon of an Englishman accused of communicating with the Earl of Northumberland and other English subjects who had risen in rebellion against the English king, and taken refuge in Scotland. [Rymer's Fœdera, vol. viii. p. 527.]

[3] In this character he witnessed a charter by his father at the castle of Lochmaben on 7th July 1414. [Registrum Magni Sigilli, vol. ii. No. 70.]

[4] Exchequer Rolls, vol. iv. pp. 278, 296.

Edmonstone, the husband of Lady Isabel Stewart, widow of James, second Earl of Douglas and Mar.[1] These the Master of Douglas confirmed on 10th August 1418, at Edinburgh, in favour of Sir John Edmonstone and his son David.[2]

The policy pursued by King Henry the Fifth of England in France, a great part of which he had subdued by arms, had an important influence upon the fortunes of the house of Douglas at this period. King Charles the Sixth of France had yielded to his victorious adversary, who, by the treaty of Troyes, not only carried off the French king's daughter, Katherine, as his bride, but obtained a declaration in his favour that he and his heirs for ever were the lawful heirs of the crown of France.[3] Further, as the king of France laboured under a mental malady, which frequently incapacitated him from the exercise of his regal functions, the king of England was proclaimed regent of France, and assumed the reins of government. Against these proceedings the Dauphin of France, the lawful heir to the throne, strenuously protested, and, though deprived by an Act of the French Parliament of all right to the succession, he appealed for redress to his sword, and sent ambassadors to all the nations in alliance with France to solicit their assistance.

Scotland was one of these kingdoms, and, along with other envoys, the Duke of Vendome was despatched on this mission to the Scottish Court. The Regent Albany summoned a meeting of Parliament to consider the request, and in fulfilment of the ancient alliances between Scotland and France, it was agreed to despatch a strong body of Scottish soldiers to the Dauphin's aid. The Regent's second son, John Stewart, Earl of Buchan, who was also the son-in-law of the Earl of Douglas, and the Master of Douglas, were selected to command this expedition, and they were accompanied by several Scottish barons of renowned knightly fame.[4]

[1] Vol. iii. of this work.

[2] Liber Insule Missarum, p. lii.

[3] Rymer's Fœdera, vol. ix. pp. 895-904.

[4] Among these were Sir John Stewart of Dernely, Constable of Scotland, Sir Robert Stewart of Ralston, Sir William Swinton, Sir Hugh Kennedy, and Alexander Lindsay, brother of the Earl of Crawford.

In connection with this expedition it is to be observed that the Master of Douglas is styled Earl of Wigtown. The title was not previously borne by him, and it may be inferred that he now received from the Regent a confirmation of the dignity, although no charter or patent has been discovered. After his succession to his father as Duke of Touraine and Earl of Douglas, he continued to use the title of Earl of Wigtown along with his other titles in charters and other documents. The title was probably bestowed on the eve of this, the first important command intrusted to the Master of Douglas, in order to add lustre and dignity to the expedition.

Seven thousand men-at-arms were equipped, and in vessels supplied by the dauphin and his allies, the king of Castile and Infant of Arragon, they were transferred in safety to the French coast. Henry the Fifth of England made an ineffectual effort to intercept these succours on the voyage. He sent peremptory orders to his brother, the Duke of Bedford, and others, to impress as many vessels as possible, and despatch them on this errand ;[1] but the orders either came too late or were neglected. The landing was effected at La Rochelle, and the Scottish troops were cantoned in the little town of Châtillon, in Touraine. Here they lay on the outposts of the French position, and made many brilliant and successful sorties against the English, in which they took castles and regained several towns which had been lost to the French. But because they were not successful in driving the English out of the country altogether, they were denounced by the French people to the dauphin as nothing better than drinkers of wine and eaters of sheep.[2]

[1] Dated in August and September 1419. Rymer's Fœdera, vol. ix. pp. 791-794.

[2] Fordun, à Goodall, vol. ii. p. 459. The Spanish allies of the French were as obnoxious as the Scots were, and both are referred to in a popular ballad, entitled, "The Complainings of the poor commonalty and labourers of France," which contains the following :—

"Behold us through the frosty air, begging, in rags, the scanty dole,
For all is gone. The hungry Scot, and haughty Spaniard, in their turn,
Have stripped us to the skin, God wot ! and left us to lament and mourn."

[Monstrelet's Chronicle, vol. i. p. 481.]

The dauphin bore these murmurs patiently, and in a short time had a tangible proof of their causeless discontent to present to the complainers, as, in fact, the Scots were the first to secure a favourable turn for his prospects respecting the crown of France.

The Scots had come to France in 1419, and for the first half of the following year not only were they engaged in frontier duty in Anjou, Touraine, and Maine, but they accompanied the dauphin as far south as Toulouse and Carcassone, enabling him to make himself master of the whole central provinces, with slight exceptions. The first decisive conflict between the English and the allied troops was fought at Baugé, on 21st March 1421. The former were commanded by Thomas, Duke of Clarence, brother of Henry the Fifth of England, while the allied army was under the direction of the Earls of Buchan and Wigtown and the brave La Hire. The engagement that followed has been compared to that fought at the bridge of Stirling, where Wallace defeated Surrey and Cressingham. Between the combatants flowed a rapid river spanned by a narrow bridge, which was taken possession of by the Scots. Determined to force a passage, the Duke of Clarence, easily distinguished by the gilt coronet which surmounted his helmet, surrounded by his chief officers, rushed on the defenders, but was met with firm resistance. One Scotchman, John Carmichael, shivered his lance upon the English leader, who was then wounded in the face by Sir William Swinton, and brought to the ground by a blow from the mace of the Earl of Buchan. The other English commanders, among whom were the Earls of Somerset and Huntingdon, were either slain or made prisoners, and the English troops, rushing forward to avenge their loss, were routed.[1]

After this engagement the dauphin bestowed upon the Scottish leaders titles and estates in France, the Earl of Wigtown receiving the earldom and

[1] Michel's Les Ecossais en France, vol. i. pp. 114-121; Monstrelet's Chronicle, vol. i. pp. 458, 459.

title of Longueville in Normandy, and the lands and castleward of Dun-la-roy in Berry.[1] From this time the Master of Douglas was styled in charters and other documents granted by or to him, Earl of Wigtown and Longueville, and Lord of Dunlaroy.[2] Possession of the lordship of Dunlaroy may have been obtained, but Longueville appears to have been nothing more than a title. In the same year, 1421, the lands and title of Longueville were held by a brother-in-law of the dauphin, and adherent of the English king, Gaston de Foix, who received them as dowry with the daughter of Charles the Sixth.

The success at Baugé was followed up by the dauphin and his allies laying siege to many of the neighbouring towns and castles. On one occasion the allied troops marched to the succour of Fresnay-le-Comte, then invested by the English, and an engagement took place, in which the former were defeated, and the Scots lost all the money—twelve thousand crowns—which they had received as pay.[3] For this, however, they were compensated by other successes. The Earl of Wigtown gives evidence, in documents granted by himself, that in the year 1421 he was in Le Mans, Tours, and Angers, the centre of the dauphin's operations. One of these documents is an acknowledgment by himself to the executors of Sir William Douglas of Logton, that he had forcibly and against their will extracted from the house and chest of one of them, certain articles of silver plate, which he pro-

[1] Now Dun-sur-Auron, chief town of the Canton of Cher. [Michel's Les Ecossais en France, vol. i. p. 142.] The Earl also, with the rest of his fellows, frequently obtained presents of horses. [*Ibid.*]

[2] Vol. iii. of this work, p. 51.

[3] Michel's Les Ecossais en France, vol. i. p. 118. In this engagement Sir William Douglas of Drumlanrig lost his banner in flight, which was taken by the English and offered up in the Church of St. Mary at Rouen. Perhaps he also lost his life in this action, as on the retour of his son to the barony of Hawick in September 1427, Sir William Douglas of Drumlanrig is said to be dead six years. In the month of March following, the fifth Earl of Douglas confirmed to the son of Sir William the grant of the barony of Hawick, made by his father to his deceased kinsman. [The Scotts of Buccleuch, by William Fraser, vol. ii. pp. 26, 27.]

mised to restore to the heir of Logton. This is dated at Angers, 10th December 1421.[1] The other document, though granted after the Earl's return to Scotland, specifies certain loans which he saw granted by Henry Douglas of Logton to his brother, Sir William Douglas of Lochleven, at Le Mans and Tours, at a time when the value of the French money was undergoing rapid changes.[2] Such changes took place in 1421.[3]

The next notable conflict between the English and the Scottish troops in France took place in the beginning of July 1422 at Crevant, and ended in disaster for the Scots, three thousand of whom, it is said, were taken captive or left dead on the field.[4] After this battle the dauphin, now Charles the Seventh of France, sought to checkmate the device of the now deceased Henry the Fifth of England in enlisting the fourth Earl of Douglas into the English service in France, by soliciting that Earl's aid for himself. To secure this he sent the Earls of Buchan and Wigtown back to Scotland, with other ambassadors, who succeeded in persuading the Earl of Douglas to embark in the service of Charles the Seventh. The sequel has already been narrated in the previous memoir.

The Earl of Wigtown did not return to France with his father. He was prevented, it is said, by sickness, but there were other reasons why he should not accompany his father and his younger brother in their perilous enterprise. Important events were transpiring at home in which policy required that the most influential house in Scotland should be represented. On the other hand, indications were not wanting of the temper cherished by James the First against those whom he undoubtedly, though wrongfully, supposed were to blame for his protracted detention in England, indications which the fourth Earl of Douglas had probably perceived when he visited the king in 1421, and which perhaps aided his resolve to seek, for a time at least, security in

[1] Vol. iii. of this work, p. 57.
[2] *Ibid.* p. 58.
[3] Monstrelet's Chronicle, vol. i. pp. 461, 469.
[4] *Ibid.* p. 500.

absence from Scotland. If so, the cruel vengeance of James the First wreaked upon Murdach, Duke of Albany, his sons, and the aged, inoffensive Earl of Lennox, justified the sagacity of Douglas, for there is good reason to believe that had he, the first Duke of Albany's friend and coadjutor in the regency, remained in Scotland, he, though brother-in-law of the king, would have shared the fate of that king's murdered kinsmen.

There was less to be feared by the Earl of Wigtown, who therefore remained in Scotland, and represented his father in the welcome of the country to her long-captive king. On 13th December 1423, and again on 3d February following, the Earl received safe-conducts along with nearly all the Scottish nobles and barons to proceed to Durham, the appointed place of meeting with King James,[1] and thence escorted the king into his own dominions. He also took part in the coronation rejoicings at Scone, and is named among those who were knighted by James on that occasion, 21st May 1424.[2]

In the following March the king held his second Parliament, and had matured his plans for the effectual intimidation of the nobles and barons. This he did by seizing and placing in ward his cousin, Duke Murdach, the late regent, and twenty-six others, among whom was Archibald, Earl of Wigtown, now, by the death of his father in France, second Duke of Touraine and fifth Earl of Douglas. In May the Parliament was continued at Stirling, when several of those imprisoned were brought to trial, and a grand jury of twenty-one was empanelled, which included a number of those who were seized in March, and now liberated, apparently in order to secure the execution of the king's pleasure upon those he had designed to death. The Earl of Douglas sat as one of this assize which condemned the Duke of Albany, his two sons, and the Earl of Lennox, who were executed immediately on the sentence being pronounced.[3]

[1] Rotuli Scotiæ, vol. ii. pp. 244, 245. [2] Liber Pluscardensis, vol. i. p. 370.
[3] Fordun, à Goodall, vol. ii. pp. 482-484.

On the death of his father at the battle of Verneuil in August 1424, the Earl of Wigtown succeeded to the title of Earl of Douglas, and also to that of Duke of Touraine. In the records of the municipality of Tours, within a month after the battle of Verneuil, there is an entry respecting the accession of the new duke—an order of the magistrates for the payment of £1000 to the Earl of Douglas for his happy accession.[1] This was only a vote in the Earl's absence[2] providing for his future assumption of the dukedom. But in the month of October 1424 or 1425, Charles the Seventh of France, misled by a report that the fifth Earl of Douglas had died in Scotland, bestowed the duchy of Touraine on Louis d'Anjou, King of Sicily.[3] This prince was betrothed to a niece of the French king, who had promised as her dowry one hundred thousand livres. But finding his treasury exhausted, and believing the Earl of Douglas dead, Charles gave the duchy of Touraine in pledge for the payment of this sum.

It does not appear that the fifth Earl of Douglas took any steps to rectify this error on the part of the king of France, further than assuming and bearing the title and arms proper to the duchy as part of his honours, but though he generally styles himself Duke of Touraine in charters and other documents, the title was not officially given to him in Scotland. Michel says that as soon as this Earl Archibald, son of the Earl slain at Verneuil, learned what had taken place in France respecting the duchy, he at once, in concert with his mother and his wife, claimed the duchy of which Louis d'Anjou was in possession ; and that to satisfy him Charles the Seventh gave him other lands in compensation, with power to bear the title of Duke of Touraine. But the authority on which this statement is based refers to

[1] Michel's Les Ecossais en France, vol. i. p. 149.

[2] The Earl was with King James at Melrose on 12th October 1424. [Registrum Magni Sigilli, vol. ii. No. 11.]

[3] Letters-patent, dated at Angers, 21st October 1424, old style. [Michel's Les Ecossais en France, vol. i. p. 149.]

the later effort made by William, the eighth Earl of Douglas, and his Countess, in concert with the widow of the first Duke of Touraine, to recover the duchy, in the year 1448.[1] After the battle of Verneuil, the fifth Earl of Douglas never derived any revenue from the French possessions bestowed on his father and himself, nor had he any connection with them.

Shortly after his establishment on the throne King James the First, on the resignation of the Earl of Douglas, made a regrant of the lands of the barony of Bothwell in conjunct-fee to the Earl and his Countess, Euphemia Graham.[2] The adjacent barony of Strathavon was held on a similar footing by the Earl's uncle, James, Lord of Balvany, and his wife Beatrice, under certain reservations to the Earl.[3] Some modifications in regard to other Douglas possessions seem also to have taken place in this Earl's time, as in charters by King James the Second to William, eighth Earl of Douglas, there are references to resignations and gifts made by Archibald, fifth Earl, to King James the First, from the lands of the forests of Ettrick and Selkirk.[4] These may relate to the gift by that king in 1430[5] to the monks of Melrose of the regality of their lands, which would curtail the jurisdiction of the Earl of Douglas, and require the resignation by him of so much as was involved. This, it is probable, would be readily accorded, as both the Earl and his father had already bestowed upon the monks the regality of their lands of Eskdalemuir,[6] and he would be ready to fulfil what was almost the latest wish of his father, to show kindness to, and cherish the monastery of Melrose and its monks. This injunction the fourth Earl conveyed to his son in a letter on the eve of setting out for France.[7]

In 1425 King James the First celebrated his birthday in the castle of

[1] Michel's Les Ecossais en France, vol. i. pp. 149, 150, notes.

[2] Registrum Magni Sigilli, vol. ii. No. 19.

[3] *Ibid.* No. 40.

[4] *Ibid.* Nos. 308, 466.

[5] Registrum Magni Sigilli, vol. ii. No. 142; Liber de Melros, vol. ii. pp. 493-497.

[6] Vol. iii. of this work, pp. 51-53.

[7] Liber de Melros, vol. ii. p. 492.

St. Andrews, when the Earl of Douglas and other nobles are said by Bower to have been present, and taken part in the rejoicings, which were continued until the feast of Epiphany (6th January).[1] The Earl had shortly before been called to adjudicate in the final settlement of a long-continued dispute between the Haigs of Bemerside and the monks of Melrose respecting the marches of the lands of Redpath. The Haigs were dissatisfied with the award made by the fourth Earl of Douglas in 1418, narrated in the previous memoir, and kept up the contention by driving away from the disputed land or killing the cattle of the abbey, and wounding the servants who resisted them in so doing. The churchmen retaliated with their own peculiar weapons, and anathematised their opponents,—a procedure, however, which did not effect its purpose, and the dispute was again referred to arbitration, the judge being the fifth Earl of Douglas. He was successful in bringing about a reconciliation, and the marches were re-defined to the contentment of all parties, by a jury of thirteen of the inhabitants of the neighbourhood.[2]

Little is recorded of the proceedings of the Earl of Douglas until the year 1429, when he attended the meeting of Parliament at Perth in April, and was deputed as one of a number of Scottish Commissioners for the settlement of a truce with England.[3] The Earl did not take part in these negotiations at this time, as the rebellion of the Lord of the Isles drew James to the north of Scotland, and Douglas accompanied the king in his northern expedition,[4] afterwards returning with him to Edinburgh and

[1] Fordun, à Goodall, vol. ii. p. 487.

[2] Liber de Melros, vol. ii. pp. 539-545; The Haigs of Bemerside, pp. 89-97.

[3] There are two safe-conducts granted at this time, dated respectively 11th May and 15th June 1429. [Rotuli Scotiæ, vol. ii. pp. 265, 266.]

[4] He witnessed charters by King James the First at Perth, on 31st March, and at Inverness, on 27th July 1429. [Registrum Magni Sigilli, vol. iii. No. 1928; vol. ii. No. 127.] The rebel Lord was defeated in Lochaber in June of that year.

Perth.[1] In November he was at his own castle of Bothwell, whence, as patron of the church of Cambuslang, he directed a letter to John, bishop of Glasgow, presenting Mr. Thomas Roule to the office of canon of the Cathedral Church of Glasgow, in connection with the same charge which was in process of being erected into a prebend.[2]

In the following January the Earl was again in Edinburgh,[3] but towards the end of the same month had returned to Bothwell.[4] He was again appointed one of the Scottish commissioners for the renewal of the truce with England,[5] but was present at the meeting of Parliament held at Perth in the beginning of the following March.[6] During this year the Earl obtained from the king a remission of customs due on twelve bags of wool, in favour of a burgess of Edinburgh.[7]

Save the mere mention of the Earl's being in attendance at Court and witnessing grants by King James,[8] he is not again referred to until 1431, when, for some cause, of which no adequate explanation has been found, he and Sir John Kennedy were arrested,[9] and placed in ward, the former in the castle of Lochleven, the latter in Stirling Castle. The Earl's imprisonment, however, was but of short duration, as, at the instance of the Queen and nobility and bishops he was released in the end of September the

[1] He witnessed royal charters at Edinburgh, on 20th, 24th, and 30th August, and at Perth on 6th October 1429. [Registrum Magni Sigilli, vol. ii. Nos. 128-130, 134.]

[2] 26th November 1429. Registrum Glasguense, vol. ii. p. 323. The presentee was chaplain to King James the First. [Rotuli Scotiæ, vol. ii. pp. 265, 269.]

[3] Registrum Magni Sigilli, vol. ii. No. 142. The Earl witnessed at Edinburgh, on 8th January 1429-30, the charter of the regality of Melrose previously referred to.

[4] Vol. iii. of this work.

[5] 24th January 1429-30. Rotuli Scotiæ, vol. ii. p. 269.

[6] Acts of the Parliaments of Scotland, vol. ii. pp. 17, 28.

[7] Exchequer Rolls, vol. iv. pp. 507, 508.

[8] He witnessed a royal charter at Perth on 15th May 1430. [Registrum Magni Sigilli, vol. ii. No. 152.]

[9] Like the Earl, Sir John Kennedy was nephew to King James the First, his mother being the king's sister, Mary.

same year.[1] None of the contemporary chroniclers state the reasons of this arrest, which is all the more remarkable as they are generally careful to detail with much minuteness the causes of such events when known to them, and the significance of the omission is referred to by Major.[2] There is nothing known regarding the life of this Earl of Douglas which can even hint at a probable fault on his part. He seems indeed to have demeaned himself towards the king, who was his maternal uncle, with a judicious and prudent reserve of manner, probably justified by the king's character. King James was suspicious of all the nobility, his injustice and severity to whom are sufficiently marked by such cases as Lennox, Buchan, March, and Strathern, and his treatment of the Earl of Douglas is traceable to no other source.

Between the date of his liberation from Lochleven Castle and the death of King James the First nothing is recorded of the Earl save the granting of some charters, which seem to show that he was occasionally with the king at Court, but that he chiefly resided at his own castles of Bothwell and Etybredshiels or Newark.[3] The last-named castle may have been built by the fifth Earl of Douglas, as it is first referred to by him as a residence at which he granted a charter.[4] He gave a grant of lands in Sprouston in Roxburghshire to the Carthusian friars of Perth,[5] and confirmed to the canons of St. Andrews the gift of two merks Scots, which his predecessors were accustomed to receive from the small customs of their lands of Wester Collessie in Fifeshire. This gift has a peculiar interest for the Douglas history, as it was made in free and perpetual alms for the maintenance of the light before the image of St. Andrew, in the Cathedral Church thereof, at the high altar, where stands that image which is commonly

[1] Fordun, à Goodall, vol. ii. p. 490.

[2] Majoris Historia, edition 1740, p. 305.

[3] Vol. iii. of this work; Registrum Magni Sigilli, vol. ii. Nos. 199, 200.

[4] Registrum Magni Sigilli, vol. ii. No. 59.

[5] 2d February 1433. Vol. iii. of this work.

called the Douglas Lady. This gift had been made of old time by his ancestors, of which the Earl declares he was fully satisfied by its long standing, and by authentic writs.[1]

A few years afterwards the Earl was involved in a dispute with the Earl of Athole respecting the lands of Dunbarny and Pitcaithly in Perthshire. These lands had been granted by Walter, Earl of Athole, to the fourth Earl of Douglas, on whose death in France Athole resumed possession. Some time afterwards the fifth Earl of Douglas demanded entry, but was refused, and, to bring a somewhat sharp dispute to a termination, the king ordered Douglas to resign the lands into the hands of his superior, and Athole to render them into the king's hands. Douglas obeyed, the procuratory for resigning the lands being dated by him at Linlithgow on 22d April 1436.[2] So also did Athole, and the king retained possession of the lands.[3] After the king's death, and the execution of the Earl of Athole for complicity therein, Douglas appointed a bailie over them.[4]

The death of King James the First, on the evening of 20th February 1436-37, had an important bearing on the subsequent period of this Earl's life. At the coronation at Holyrood, a month later, of the young King James the Second, then a boy of six years, the Earl of Douglas, who was

[1] Registrum Prioratus Sancti Andree, pp. 406, 407. One of the witnesses is John of Ralston, provost of Bothwell, and, as he did not become so until at least 1432, this confirmation must be in or after that year. An image of Isabella Douglas, Countess of Mar and Garioch, is said to have been placed by herself in the choir of the church of the Priory of St. Saens in France, as a souvenir of herself on leaving the country. She inherited the lands of St. Saens from her father, it is said, and sold them on 14th March 1420 to a relative, Roger of Edinburgh. On 28th July 1408 she sold the remainder of her possessions in that place, and then quitted the country. The figure has since been lost. [Les Ecossais en France, par Francisque Michel, vol. i. p. 64.]

[2] Vol. iii. of this work.

[3] Exchequer Rolls of Scotland, vol. vi. pp. 245, 246.

[4] Letters of bailiary over Dunbarny in favour of George Pringle, November 1437. Vol. iii. of this work.

first cousin of the young sovereign, was appointed lieutenant-general of the kingdom, and held the office until his death.[1] The custody of the king was given by Parliament to his mother the queen.

The history of the earlier years of King James the Second, as related by Boece and his copyists, Lindsay of Pitscottie, Bishop Leslie, Godscroft, and others, is so distorted and unreliable that it is extremely difficult to ascertain the events that really took place. According to them the state of the country rapidly degenerated into rapine and violence, to which the Earl of Douglas largely contributed. The fact that Douglas was the lieutenant-general of the kingdom is ignored, and Sir Alexander Livingstone, who was merely governor of Stirling Castle, is described as governor of the kingdom, and Sir William Crichton, the governor of Edinburgh Castle, is called chancellor of Scotland. The country, it is asserted, was divided into rival factions, caused by Crichton and Livingstone both aiming at the supreme power, terminating in actual civil warfare by Livingstone besieging Crichton in the castle of Edinburgh. Crichton is then said to have sent messengers to the Earl of Douglas asking assistance, who were disdainfully dismissed with the answer that nothing would be more pleasing to Douglas than that the rivals should destroy one another. Seeing his peril, Crichton came to terms with Livingstone, surrendered the castle, and was restored and continued in the government. Shortly afterwards the Earl of Douglas died.[2]

Such, in brief, is the narrative of these historians. But from the few authentic fragments of record of that period, it may be gathered that, very far from withdrawing from the government of the kingdom to his own

[1] Acts of the Parliaments of Scotland, vol. ii. p. 31. Mention is made of payments to the Earl by the Chamberlain of Scotland of the salary of this office, at the first audit after the king's death, in July 1437, £60, and of arrears paid in 1440 and 1443 of £100, and £10, 13s. 4d. [Exchequer Rolls, vol. v. pp. 12, 73, 138.]

[2] Boethii Historia Scottorum, edition 1574, fols. 357-359; Lindsay of Pitscottie, pp. 3-12; Leslie's History of Scotland, pp. 12, 13; Godscroft, edition 1644, pp. 139, 144.

castles and country, the Earl of Douglas spent most of his time in the public service. During his rule Parliament was ordained to assemble twice every year, and as evidence that this was done there remain on record Acts of the Parliaments held in November and December 1437, and March 1438. These Acts are of considerable importance. One prescribes measures to be taken by the sheriffs throughout the country for the repression of crime, and requiring them to intimate any case beyond their power to the lieutenant, who was authorised to proceed against transgressors of the higher orders. Another Act prohibited the alienation of any of the crown lands during the king's minority, unless with the consent of the three Estates.[1]

One of the most important measures of this period was the securing of a nine years' truce with England in connection with a commercial treaty of the same duration. It was desired by this treaty to foster harmonious commercial relations, while, in the interests of justice, a clause of extradition was inserted. Provision was also made for the humane regulation of affairs when, through shipwreck or stress of weather, mariners of either country were cast ashore on the other's coast, or driven to take shelter in their havens.[2] Negotiations were commenced shortly after the Earl's appointment as governor, and they were completed on 31st March 1438.[3]

It may safely be affirmed that no contention such as is alleged to have taken place between Livingstone and Crichton, occurred during the lifetime of the Earl of Douglas. The well-known story of the origin of their quarrel is that while the queen at first took up her abode with the young king and the rest of her family in the castle of Edinburgh, she afterwards removed to the castle of Stirling, being obliged to resort to the stratagem of enclosing the king in a clothes-chest in order to get him out of the hands of Crichton. It is certain that the queen did change her place of abode,

[1] Acts of the Parliaments of Scotland, vol. ii. pp. 31, 32, 53.

[2] Rotuli Scotiæ, vol. ii. pp. 307-310.

[3] Exchequer Rolls, vol. v. pp. 19, 52.

but from the fact that the castle of Stirling is afterwards called "her castle," it is probable that it was assigned to her as the residence of herself and family by the Estates, when they gave her the care of the young king. She, however, remained some time in Edinburgh, but her removal to Stirling may have created jealousy in the mind of Crichton towards Livingstone. The care of the king reposed in them jointly with herself by the queen-mother, gave to the governors of these castles an importance which they otherwise would not have had. They became instrumental in providing for the king's support, and apparently by permission of the Lieutenant-general or the Estates, they were permitted to deal directly with the rents of the Crown lands, and other revenues.[1] Thus their influence was increased, and a rival ambition engendered, but so long as Douglas lived, neither dared resort to violence respecting the king's person.

There is thus reason for believing that the story of the stratagem adopted by the Queen for the removal of the King to Stirling is a pure myth. She would be at liberty to dwell where she pleased so long as she satisfied the Estates that the life of the king was not endangered, and in removing from Edinburgh to Stirling there is no authentic proof that any impediment was placed in her way. There was also, it would appear, a further design of leaving Stirling for the castle of Rothesay. The Earl of Douglas, and also his steward, spent some time in Bute, seeing that the castle was put in proper repair, and other things in needful order for the royal reception. Indeed, it is possible to read the entries in the Exchequer Rolls referring to this visit as if the young king had been in the Earl's company in Bute, along with some of his household officers, and meant shortly to return thither.[2] This intention was frustrated at that time by the sudden

[1] Exchequer Rolls, vol. v. pp. 63, 71.

[2] *Ibid.* pp. 84-89. Hence such expressions by the bailies of Bute as "usque adventum domini regis in partibus occidentalibus," and again, "in proximo adventu domini regis in partibus occidentalibus." [*Ibid.* p. 86.]

death of the Earl of Douglas, but these facts indicate that before that event the king's person was the Earl's particular care, and frequently accompanied him from place to place.

It was after this inauspicious event, when no Regent or Lieutenant-general or other responsible ruler in succession to Douglas was at the helm of affairs, that the struggle, if any such there was, arose for the custody of the young king. The immediate sequel to the death of Douglas was that the queen, finding herself in an isolated and trying position, and alarmed for her own safety, as well as for that of her son, sought security in a private marriage with Sir James Stewart, the Black Knight of Lorn.[1] She was with the king and the rest of her family resident at the time in the castle of Stirling, and Livingstone, fearing the result of such a step with regard to the king, or as a matter of policy, deprived the queen of her liberty, and threw her husband into a dungeon. At a meeting of the Estates, Livingstone declared that in taking these measures he was actuated solely by loyalty, and his desire for the safety both of the king and his mother. Parliament approved his conduct, and in return prevailed upon the queen to transfer the custody of the king from herself to Livingstone, and also the sum of four thousand merks which had been voted to her for his maintenance. The indenture by which this was accomplished was ratified by Parliament, and a full discharge was granted to Livingstone and his adherents for any fault which might be imputed to them in respect of the seizure of the king and queen.[2]

As a further proof that there was no commotion in the realm such as the historians referred to report to have taken place in the lifetime of the Earl of Douglas, it may be mentioned that while Bishop Cameron was still chancellor

[1] A Papal dispensation, dated 21st September 1439, was obtained in order to legalise the marriage. [Andrew Stuart's History of the Stewarts, p. 443.]

[2] 4th September 1439. Acts of the Parliaments of Scotland, vol. ii. p. 54.

of Scotland, Douglas and Crichton were working harmoniously together. The latter was a witness to the protest made on 30th May 1438, at Edinburgh, by Egidia Douglas, Countess of Orkney, before her noble kinsman the Earl of Douglas, respecting the holding of courts within her lordship of Nithsdale.[1] Moreover, about six weeks before his death, the Earl of Douglas was sojourning for a short time at his castle of Newark in the Forest, and among those in attendance upon him was Sir William Crichton, now Chancellor of Scotland.[2]

These facts form a significant commentary on the distorted history of those times which has come down to us from earlier writers, and which, for want of better, has been accepted by those of our own day. It is remarkable, however, that even Tytler should overlook the inconsistencies of the narrative he adopts,[3] and in view of the fact that Douglas was formally appointed by Parliament as Lieutenant-general or Regent of the kingdom, and was in actual exercise of the office and its duties, should give currency to the statement that such important matters as the guardianship of the young king, and the appointment of a chancellor, could be proceeded with without the Earl's presence and consent.

From Newark the Earl had again journeyed to Edinburgh, and was residing in its vicinity at Restalrig, when he was attacked by fever, and died on the 26th of June 1439. His body was conveyed to Douglas and interred in the church of St. Bride's. A splendid monument was there erected to his memory, and is still preserved. It bears an effigy of the Earl, crowned and clothed in robes of state, the left hand holding a baton of office, and the

[1] Vol. iii. of this work.

[2] Charter dated at Newark, 4th May 1439, of the lands of Primside in Sprouston, to Andrew Ker of Altonburn. Among the witnesses were Sir William Crichton of that Ilk, Chancellor of Scotland, Robert of Gledstanis, and John Turnbull of Langton, Constable of the Castle of Newark. Vol. iii. of this work.

[3] History of Scotland, vol. iii. pp. 169, 170.

right the cord which fastens the robe. Around the waist is a broad and richly ornamented belt. The effigy reposes on a slab, displaying on its edges a Latin inscription, which, translated, is as follows:—"Here lies Sir Archibald Douglas, Duke of Touraine, Earl of Douglas and Longueville, Lord of Galloway, Wigtown, and Annandale, lieutenant of the king of Scotland, died the 26th day of the month of June, the year of our Lord 1438." The year is a mistake for 1439.

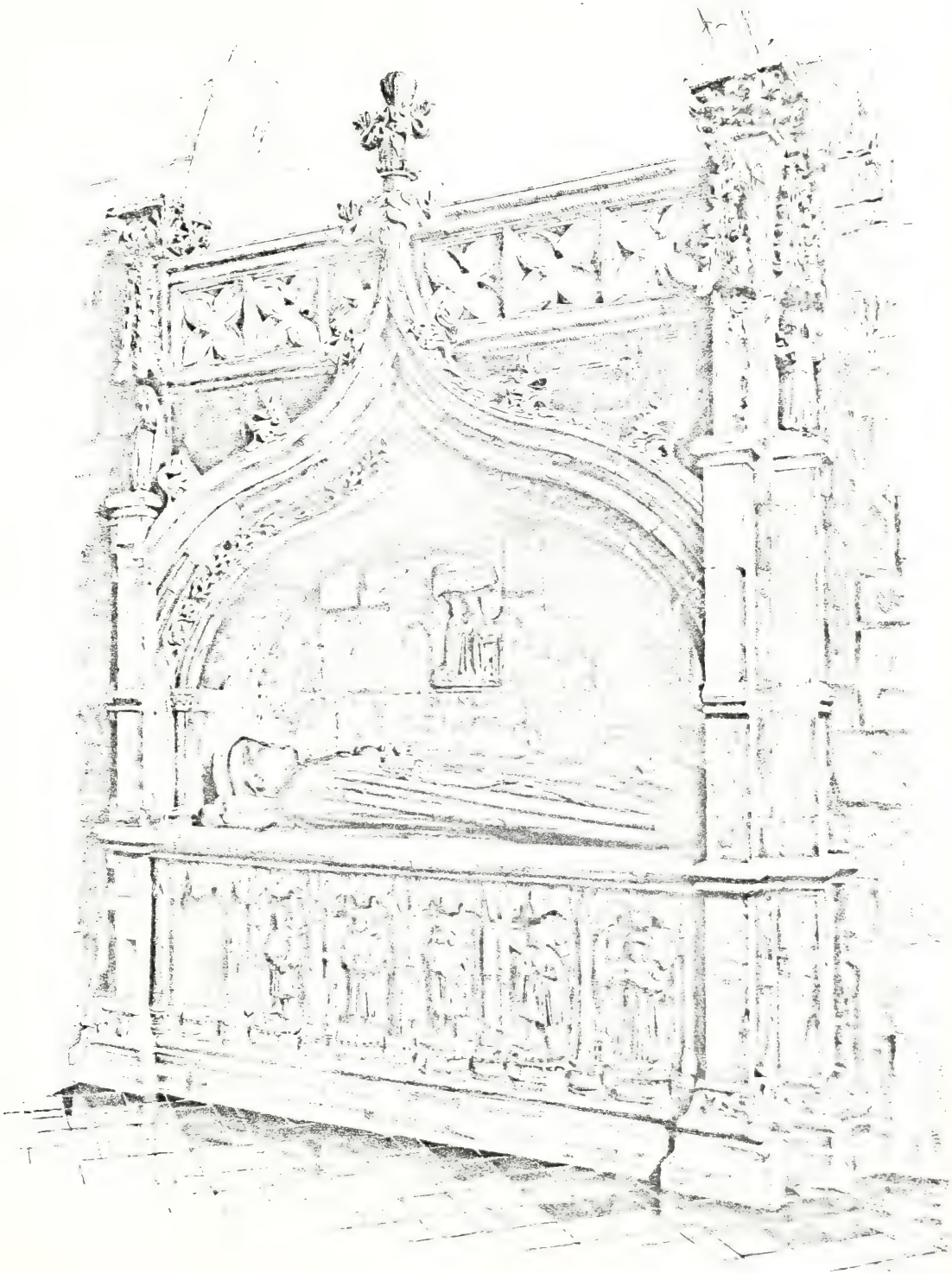
In the recess of the arch is a sculpture representing a robed figure kneeling in prayer. Above the figure is a scroll from which the words are long since obliterated, with a shield evidently bearing the Douglas arms. The monument is beautifully ornamented with sculpture work, and along the front there are five human figures in slight but elegantly carved panelled niches.[1]

Archibald, fifth Earl of Douglas, married Lady Euphemia Graham, the elder daughter of Sir Patrick Graham of Kincardine, and Euphemia, Countess Palatine of Strathern, and sister of Malise Graham, first Earl of Menteith.[2] The marriage probably took place in 1424, or early in 1425, and to remove impediments from consanguinity, a Papal dispensation, dated 26th June 1425, was obtained, in which the Earl and his Countess are mentioned as already married.[3] In 1425 King James regranted the barony

[1] Blore's Monumental Remains, No. 22. To the left of these figures there is a niche without any figure. It has been lately restored. In the opinion of the restorer, that blank niche had contained armorial bearings, perhaps those of husband and wife, as shown in the monument to the seventh Earl of Douglas to be afterwards noticed.

[2] Archibald, fifth Earl of Douglas, is said to have been twice married, first to Lady Matilda Lindsay, eldest daughter of David, first Earl of Crawford, and, secondly, to Lady Euphemia Graham. The marriage with Matilda or Maud Lindsay is stated by Boece, followed by Lindsay, Leslie, and Godscroft, to have been celebrated at Dundee, with great pomp and magnificence. But, as will be shown in the following memoir, this marriage is erroneously ascribed to the fifth Earl, and was that of his son William. [Boethii Historia Scottorum, edition 1574, fol. 359.]

[3] Andrew Stuart's History of the Stewarts, p. 455.



MONUMENT OF ARCHIBALD. SECOND DUKE OF TOURAINE AND FIFTH EARL OF DOUGLAS IN ST BRIDES.— DOUGLAS.

of Bothwell to the Earl and Countess of Douglas in conjunct-fee. Lady Euphemia Graham, Countess of Douglas, survived the Earl, and married, in 1440, James Hamilton, Lord of Cadzow, afterwards created Lord Hamilton, for which she also obtained a dispensation from Rome.[1] After her second marriage she still retained the style of Countess of Douglas, and under that designation is frequently mentioned in charters.[2] She was also known as Lady of Bothwell, and as such continued to draw her terce from the Douglas estates after their forfeiture in 1455.[3] After this event Lord Hamilton and the Countess received from King James the barony of Drumsargart.[4] Lady Hamilton died between November 1468 and May 1469,[5] leaving issue by both husbands.

By his Countess, Euphemia, Archibald, fifth Earl of Douglas, is known to have had three children, two sons and a daughter, although the five figures on his tomb suggest a corresponding number of children, if any analogy exists between this Earl's tomb and that of his uncle James, the seventh Earl. The other two children may have died young, no record of their existence being preserved other than the effigies on the tomb of their parents.

The three children were—

1. William, who succeeded his father as third Duke of Touraine, sixth Earl of Douglas, etc. Of him a memoir follows.
2. David, who was beheaded along with his brother William in the Castle of Edinburgh in 1440.

[1] Andrew Stuart's History of the Stewarts, p. 464.

[2] Registrum Magni Sigilli, vol. ii. Nos. 601, 797, 985.

[3] Part of these lands were in the Forest of Ettrick, as Wynterburgh, Eltrief, Berybuss, and Crag Douglas, which King James the Second gave to James, Lord Hamilton. [Exchequer Rolls, vol. vi. pp. 226, 228, 373, 443; vol. vii. pp. 25, 478, 497, 530.]

[4] 1st July 1455. Original in Hamilton Charter-chest. Vol. iii. of this work.

[5] Exchequer Rolls, vol. vii. pp. 619, 621.

3. Margaret, better known as the Fair Maid of Galloway. Her history will be afterwards referred to in the memoirs of the eighth and ninth Earls of Douglas, to both of whom she was Countess.





IX.—WILLIAM, THIRD DUKE OF TOURAINE, SIXTH EARL OF DOUGLAS, LORD OF GALLOWAY, Etc.

JANET or JANE LINDSAY, his Countess.

1439—1440.

THE career of this Earl of Douglas, though begun apparently under the fairest auspices, was destined to be brief, while his death was the most ill-fated of any which befell his family. Owing to the shortness of his life, and the meagreness of record for the history of the period, scarcely anything authentic can be related regarding him. Godscroft, indeed, narrates his story at some length, with various incidents and speeches. But these are chiefly borrowed from the romantic pages of Boece, and have no foundation in authentic history.

This Earl was born, it would appear, about the year 1425. This is substantiated by the general consensus of the writers nearest the Earl's own time, who state that he was fourteen years of age when he succeeded to his father in June 1439, and that at his death in the following year he was fifteen years of age.[1] One writer states that at his death he was eighteen years old, which would make 1422 the year of his birth, but the

[1] History of the Houses of Douglas and Angus, ed. 1644, p. 148; Fordun, à Goodall, vol. ii. p. 490, *note*; Extracta e variis Cronicis Scocie, Abbotsford Club, 1842, p. 237; Leslie's Historie of Scotland, Bannatyne Club, 1830, p. 13.

former year is more consistent with the date of his parents' marriage in 1424, or at least before April 1425.[1]

When a child about five years old, he received the rank of knighthood on the occasion of the baptism of the twin sons of King James the First, Alexander, who died in infancy, and James, afterwards King James the Second. The ceremony took place at Holyrood in October 1430, when the two young princes, the heir of Douglas, William the son and heir of James, Lord of Balvany, and others, "of tender age," were made knights.[2]

No magnate in Scotland possessed so great estates as the late Earl of Douglas, or exercised such influence as he wielded, apart from his being Lieutenant-general of the kingdom. On the death of his father, therefore, in 1439, the greatest earldom in Scotland, with all its political influence, came to a boy of fourteen years. Yet, young as he was, he has been charged by Boece and later historians with unbounded pride and arrogance, and the entertaining of schemes of policy and ambition worthy of the most experienced statesman. But the severe imputations made against his character, which are chiefly grounded on an alleged extravagant retinue and liberality, are not substantiated. Such displays may readily be attributed to the inexperience and ostentation of youth.

Godscroft suggests that the large body of attendants with which the Earl travelled was for protection, but he himself throws doubt on this view. He states that the Earl rode in public with a train of between one and two thousand horsemen, increased his circle of friends and dependants by a liberality and magnificence befitting his rank as Earl and Duke, created knights, and had a council for guiding his affairs.[3] Yet it cannot be said that these

[1] The authority which assigns the age of eighteen to Earl William at the time of his death is "Ane Addicioun of Scottis Corniklis and Deidis," commonly known as the Auchinleck Chronicle, ed. 1817, pp. 24, 34; but in some cases the dates of this writer are erroneous.

[2] Fordun, à Goodall, vol. ii. p. 490; Liber Pluscardensis, vol. i. p. 376.

[3] History of the Houses of Douglas and

acts of the young Earl were more extravagant than those of other nobles of his rank, against whom no evil has been alleged. The century in which he lived, perhaps more than any other, was the age of feudalism in Scotland; and the greater nobles, with their large vassalage, and powers of regality over their lands, were almost wholly independent of the Crown. The historian of the Lindsays tells how the Earls of Crawford "affected a royal state, held their courts, had their heralds or pursuivants, and occasionally assumed the style of princes in the numeration of their ancestors and themselves, as David I., David II., Alexander I., Alexander II., of the name Earls of Crawford. They had also a 'concilium,' or petty parliament, consisting of the great vassals of the earldom, with whose advice they acted on great and important occasions."[1] The behaviour, therefore, of the young Earl of Douglas, however tinged with extravagance, was only in keeping with the traditions of his rank, and the customs of his day, and inferred no such treasonable purposes as have been ascribed to him.

According to Boece and Godscroft, one of the Earl's first acts was to despatch Sir Malcolm Fleming of Cumbernauld and Sir John Lauder to the French Court, to do homage for the duchy of Touraine. The messengers are said to have been well received, and to have given their oaths of fidelity on behalf of the Earl. Godscroft also states that Earl William obtained himself invested in the duchy, as heir to his father, and Bishop Leslie says that the Earl received a new gift of the duchy.[2] But, as has been shown in a previous memoir, it was William, the eighth Earl of Douglas, who made overtures to

Angus, edition 1644, p. 148. Godscroft's statements are apparently partly borrowed from Boece; but the latter adds various details, as to the Earl's harbouring thieves and murderers, his arrogance, and other circumstances. Boece's history has a strong animus against the Douglases, probably because it was written to please King James v. [Boece, edition 1574, fol. 359, l. 40, *et seq.*: Pitscottie's History, edition 1778, p. 13.]

[1] Lives of the Lindsays, vol. i. p. 116.

[2] Houses of Douglas and Angus, edition 1644, p. 148; Leslie's Historie of Scotland, Bannatyne Club, 1830, p. 13.

the French king as to the duchy of Touraine, and this story of Boece and others is based on misinformation of the facts. Yet the sixth Earl, like his father, continued to use the title of Duke of Touraine,[1] as he was clearly entitled to do, having inherited the dignity in terms of the limitation in the patent of creation.

Very soon after the young Earl's succession to his father, he was called on to take part in political affairs, and was a member of that General Council which in September 1439 sat at Stirling, and sanctioned the agreement made between the Queen and her captor, Livingstone, already referred to in the previous memoir.[2] No evidence exists of the Earl's taking any further part in public affairs during his life. On that occasion he may have acted not merely as one of the committee of barons, but also as the near relation of the king. Yet his presence at a General Council, in whatever capacity, and the influence he could exercise on behalf of any party he might adhere to, would naturally make him an object of suspicion and apprehension to the two great rivals, Crichton and Livingstone, each fearing that Douglas would take the side of the other.

That this was so is proved by the event, though the steps which led to the fatal result cannot now be traced. Boece has constructed an elaborate narrative of the proceedings of the time, and of the doings and sayings of the young Earl of Douglas and his opponents, narrating with too transparent minuteness of detail the reconciliation of Crichton and Livingstone in St. Giles' kirk, Edinburgh, and the speeches made on that occasion. He further relates that in a Parliament which shortly afterwards met at Edinburgh,

[1] He styles himself Duke of Touraine, Earl of Douglas and Longueville, etc., in a charter of the lands of Primside, in the regality of Sprouston, Roxburghshire, in favour of his esquire, Andrew Ker of Altonburn. Original Charter, dated 18th February 1439-40, in Roxburgh Charter-chest.

[2] Acts of the Parliaments of Scotland, vol. ii. pp. 54, 55.

formal complaints were made against the Earl of Douglas as a principal cause of all enormities and mischiefs, and that the lords of Parliament resolved to cut off the Earl as a means of amending the disorders. "Pleasant writings" were therefore sent to him inviting him to Edinburgh.[1] There is evidence of a Parliament held at Stirling in August 1440, which passed certain measures for regulating the execution of justice, but no reference is made to the Earl of Douglas.[2] Godscroft accepts Boece's narrative, and seems to imply that Douglas did not recognise the authority of Crichton as Chancellor, or of Livingstone as the king's guardian,[3] while later historians also have adopted views prejudicial to the Earl of Douglas, and concluded that he was guilty of treason. But the records of the time are absolutely silent on the subject, and impute no crime to the Earl.

Owing to the lack of authentic evidence, the facts of the final tragedy can be stated only in the merest outline. Whether by summons from the Parliament, or more probably a letter worded in friendly terms from the Chancellor, the young Earl and his brother David proceeded together to Edinburgh Castle. So unsuspicious of danger were they that Sir Malcolm Fleming of Cumbernauld was their only attendant when they entered that fortress. On the same day, 24th November 1439, the young Earl and his younger brother David were arrested, and, after a mock trial in presence of the king, a boy of ten years, were condemned, hurried out to the castle-yard, and their heads struck from their bodies. Three or four days later Sir Malcolm Fleming shared the same cruel fate.[4]

Indelible disgrace must ever attach to the memory of Crichton as the chief instrument in these infamous murders.

[1] Boece, edition 1574, fol. 361, 362; Lindsay of Pitscottie, edition 1778, p. 24.

[2] Acts of the Parliaments of Scotland, vol. ii. pp. 32, 33.

[3] Houses of Douglas and Angus, edition 1644, p. 148.

[4] Auchinleck Chronicle, pp. 24, 34; Fordun, à Goodall, vol. ii. p. 490, note; Maioris Historia, edition 1740, p. 322; Extracta e variis Cronicis Scociæ, p. 237.

A similar tragedy was acted, as we shall see, a few years later, when the eighth Earl of Douglas was the victim. The shedding of the best blood in Scotland, first by the chancellor in presence of the king, and afterwards by the king himself, prompted by his chancellor, have left a stain on the name and reign of the second James which never can be effaced. The historians of that reign, from Boece to Burton, with no authentic materials, have distorted history by dealing in romance and conjecture, or they have left the period almost a blank in Scottish annals.

Boece, for example, who attributes to the sixth Earl various crimes, which made his execution a political necessity, gives a circumstantial account of the journey to Edinburgh, and by his narrative of the young Earl's frank response to the Chancellor's invitation, and repudiation of all treachery, unwittingly suggests that the Earl was altogether innocent of wrong. That romantic historian, indeed, moralises on the subject, but the story even as he tells it implies nothing on the Earl's part but a frank boyish confidence, which would believe no harm of those around the youthful king, and so he rode on to his doom. In the absence of all other evidence as to the cause of the Earl's execution, it may be suggested that it was perhaps not wholly premeditated, but that the opportunity afforded by the Earl's presence within the castle, and in Crichton's power, was too great a temptation to be resisted. John Major, who wrote in 1521, gives some ground for this view. Referring to the death of the two young nobles and of Fleming, Major simply says, "I have read in the annals that these men were not guilty of death, but that this crime was perpetrated by the advice or stratagem of William Crichton, chancellor of Scotland."[1]

[1] Majoris Historia, edition 1740, p. 322. Godscroft, in his indignation at the craft and cruelty of Crichton, exhausts his vocabulary of abuse of the "Venemous Viper," whom he also likens to a "cockatrice and crokodile," "Ioe a beast composed of many beasts." [History, edition 1644, p. 151.]

It has been alleged by recent historians that the young Earl's death was connived at by his grand-uncle, James, Earl of Avondale and Lord Balvany. This assertion will be more appropriately discussed in the memoir of the seventh Earl; and it need only be said here that there is no evidence to warrant the statement. One reason given in proof of the assertion is that the estates of Earl William were not forfeited. But apart from the fact that he was only a minor, he held his dignities and estates under a special entail. Forfeiture, therefore, even if pronounced as part of his doom, would not affect the collateral heirs who were substituted to him in the entail. In the case of Sir Malcolm Fleming, who was executed four days after the Earl, forfeiture was pronounced, but was formally protested against by Sir Malcolm's son as "utterly false and unlawful," and his estates passed to his heir.[1] It may be added, that when in a similar manner the eighth Earl of Douglas was murdered in 1452 by King James the Second in Stirling Castle, his estates were not forfeited, even though the Parliament made a pretence of saving the king's honour by declaring the Earl guilty of treason.

By the death of the sixth Earl of Douglas and his brother the great territories of the family were for a time divided. Douglasdale and other entailed estates passed, under the entail of 1342, to James, Earl of Avondale. The lordship of Galloway, east and west, with Ardmanach, Balvany, Bothwell, and all the Douglas lands inherited from Joanna Moray of Bothwell, devolved on Lady Margaret Douglas, the only sister of Earl William. She was the heir of line of the Douglas family, and commonly known as the "Fair Maid of Galloway." Annandale, however, was the only portion of the wide Douglas territories which was wholly alienated. That lordship was in 1409 granted to Archibald, fourth Earl of Douglas, with a limitation to the heirs-male of his own body, whom failing, to the Earl of March. George, eleventh Earl of March, was in 1434 attainted, and his possessions annexed to the Crown.

[1] Original protest, dated at Linlithgow, 7th January 1441.

On the death of the sixth Earl of Douglas, therefore, Annandale lapsed to the Crown in place of the forfeited Earl of March, and was afterwards administered by royal officers.[1]

Young as was William, sixth Earl of Douglas, he was married to Lady Janet, otherwise called Margaret Lindsay, probably a daughter of Alexander, second Earl of Crawford, but he had no issue by her. The Countess of Douglas survived the Earl for many years. She was alive as his widow in 1473, when King James the Third granted to Janet, Countess of Douglas, spouse of the late William, Earl of Douglas, certain lands in the lordship of Brechin. The grant bears to be made in satisfaction of terce due from her husband's lands, then in the hands of the Crown.[2]

[1] Exchequer Rolls, vol. v. pp. 668, 671; vol. vi. pp. 448, 552.

[2] Registrum Magni Sigilli, vol. ii. Nos. 1083, 1102; Exchequer Rolls, vol. vii. pp. lxiii-lxviii, 325, 411, 466, 554, 632. Tytler [History of Scotland, vol. iii. p. 198] states that Janet Lindsay was the Countess of William, the eighth Earl of Douglas, and that she was divorced by him that he might marry his cousin, the "Fair Maid of Galloway." But no evidence has been found to support this suggestion.



VII.—3. JAMES, SEVENTH EARL OF DOUGLAS, FIRST EARL OF AVONDALE AND LORD BALVANY, CALLED "THE GROSS."

LADY . . . STEWART, HIS FIRST WIFE.
LADY BEATRIX SINCLAIR, HIS COUNTESS.

1440—1443.

BY the untimely deaths of William, sixth Earl of Douglas, and his brother David, as narrated in the previous memoir, the male line of the fourth and fifth Earls of Douglas came to an end. The succession then opened to the younger brother of the fourth Earl, James, the second son of Archibald, third Earl of Douglas, on whose male descendants the entail of 1342 had settled the Douglas estates. Previous to his succession, he had, in 1437, been raised to the peerage by the title of EARL OF AVONDALE and LORD BALVANY, being previously known as James Douglas of Balvany.[1] At the time of his accession to the earldom of Douglas he was advanced in life, and very corpulent, on account of which he was popularly called "The Gross."

In his youth James Douglas seems to have been impetuous and turbulent. During the lifetime of his father, the "Grim Earl," he was probably kept in check; but when the paternal restraint was removed, his natural disposition had full play, and his first recorded exploit is one of violence. His sister,

[1] Balvany was an estate in the county of Banff, which belonged to his mother, the heiress of Bothwell, and which was given to James Douglas by his brother Archibald. [Registrum Magni Sigilli, vol. ii. Nos. 43, 49.]

the Duchess of Rothesay, after the death of her husband the Duke, in 1402, continued to receive the annuity assigned to him from the customs of the realm. In 1403 she married Sir Walter Haliburton, but during her widowhood her brother James dealt with the custumars on her behalf. He did so not only by receiving the sum due, but by extorting from the official (the custumar of Linlithgow) an extra amount.[1] Even after his sister's second marriage, James Douglas occasionally acted as her receiver, or on behalf of her husband, but no further violence is recorded.[2]

The next exploit recorded of James of Douglas was the burning of the town of Berwick. This had a patriotic aspect, as, according to his own account, it was done in revenge for breaches of truce by the English; but it shows the savage character of the reprisals between the two countries. Henry Percy, Earl of Northumberland, frustrated in the plot he had formed against the English king, had fled to that town, and was there joined by others, described as adherents of the Scots, to proceed against whom King Henry the Fourth summoned the military force of Yorkshire to meet him at Newcastle-on-Tyne.[3] The mandate shows that the Earl of Northumberland was in Berwick in the beginning of June, and when towards the end of that month the king advanced to Newcastle, the Earl retreated into Scotland. After he left, the Scots gave the town to the flames, burning the whole place except the churches and monasteries.[4] The English king then besieged and took the castle of Berwick, which was held for Northumberland.

That Berwick was burned the same year in which the Earl of Northumberland fled to Scotland, is shown by a mandate for payment to the citizens of one thousand marks to aid in restoring their habitations,[5] and that Jame-

[1] Exchequer Rolls, vol. iii. p. 567.

[2] *Ibid.* pp. 615, 620; vol. iv. pp. 2, 54.

[3] Fœdera, vol. viii. p. 400. 10th June 1405.

[4] Walsingham, ed. 1574, p 417; Otterburn, quoted by Pinkerton, vol. i. p. 83, *note*.

[5] December 1405, Rotuli Scotiæ, vol. ii. p. 176.

Douglas was the leader of the Scots on the occasion, is proved by his own testimony. He was warden of the Marches, apparently of the eastern borders, and as such was charged by Henry the Fourth with breach of truce, and violating the oath he had recently sworn to keep the peace between England and Scotland. The Warden replied in a spirited letter, charging the English with many more offences against the truce than could be attributed to the Scots, and which, he says, had been patiently borne by the Scottish king. He refers to the burning and capture of Scottish vessels and imprisonment of Scotsmen, attacks upon the Isle of Arran, the burning of the royal chapel at Brodick, and other aggressions during the truce, for which redress had once and again been demanded but none received. He vindicates his own conduct in regard to the last truce, and is prepared to defend it before any commissioners who may be appointed; while he further alleges that even that truce had been violated by the English invading and harrying Lauderdale, Teviotdale, and part of Ettrick Forest. A glimpse of the warden's own character appears in the hint that the king's informant had said more in the writer's absence than he dare avow in his presence, and that liars should be little allowed with such a worshipful king.[1]

The truce here referred to was probably that for the concluding of which King Henry the Fourth issued a mandate to his son John, on 8th July 1405, and which was to endure till the following Easter.[2] If so, it was destined to be violated still more seriously on the part of the English by the capture of James, Steward of Scotland, who, in March 1406, had, under the protection of this very truce, embarked for France, but was seized by the English and imprisoned in the Tower of London. The exact year of the Prince's capture has been variously stated, but an incident in which James of Douglas

[1] Vol. iv. of this work, p. 67. The year of the letter is not given, but it was evidently written on 26th July 1405, previous to the death of King Robert the Third, and after the burning of Berwick in that year.

[2] Fœdera, vol. viii. p. 403.

took part tends to fix the date. The Prince took boat at the little port of North Berwick and sailed to the neighbouring Isle of the Bass, where he remained for some time until a vessel took him on board to sail to France. Among the knights and nobles who attended him to North Berwick was Sir David Fleming of Biggar and Cumbernauld, a trusted knight, who had more than once been ambassador to England. He had been intimately connected with the Douglases, having acted as bailie for the third Earl over part of his large estates. Whether in this capacity or otherwise he had given offence to James Douglas does not appear, but while Sir David, after parting from the Prince, was riding homewards with his company over Lang Herdmanston Moor, near Haddington, they were suddenly attacked by Douglas and an armed force. A sharp combat ensued, in which Sir David was slain and some of his companions made prisoners, though they were soon liberated.

This slaughter has been ascribed to political causes, on the authority of an English historian, who does not seem to have been in possession of all the facts. Wyntown assigns no motive, but Bower asserts that Douglas was instigated to the deed by Sir Alexander Seton, lord of Gordon, and nephew of Sir David.[1] This puts the tragedy on the footing of private revenge, which was probably the real cause, as, apart from Seton's alleged instigation, one of Douglas's own kinsmen, Archibald Douglas, younger son of James, second Earl of Douglas, had been deprived by the king of his estate and office, which were bestowed upon Sir David Fleming in the August preceding his death.[2]

The Scottish historians who record the tragedy, state circumstantially that Fleming was slain on his return from witnessing the embarkation of

[1] Wyntown's Cronykil, B. ix. c. xxv. ; Fordun, à Goodall, vol. ii. p. 439.

[2] The barony of Cavers, with the hereditary office of Sheriff of Roxburgh, was conferred by Isabella Douglas, Countess of Mar, upon her nephew, Archibald Douglas. As the grant had been made without the king's consent, he cancelled it by conferring the lands and office upon Sir David Fleming by charter dated 10th August 1405. [Extract Charter in Cavers Charter-chest ; vol. iii. of this work.]

Prince James, which they apparently place among the events of the year 1404-5. But the Prince's voyage must have taken place in the year 1405-6, for Fleming received the charter of Cavers in August 1405, in October following was a witness to a royal charter at Dundonald,[1] and was dead before 18th March 1406. As Bower assigns the 14th February as the date of his death, he was probably slain on that day in the year 1406.[2] This fixes the date of Prince James's capture by the English in the spring of the year 1406, a date which is now generally accepted, although the inaccurate chronology of Bower has given rise to some confusion.

A short time previous to the death of Sir David Fleming, a safe-conduct was issued by the English king for a number of Scottish barons who were to act as hostages for the fourth Earl of Douglas, taken captive at Homildon. Among those named were James of Douglas, the Earl's brother, and Henry, second Earl of Orkney. The latter had been a hostage in the previous year, and had returned to Scotland, his brothers taking his place. He was selected by King Robert the Third to accompany Prince James to France, and was taken with the Prince, but was set free as he had two safe-conducts.[3] There is no evidence that James Douglas ever went to England as a hostage for his

[1] Antiquities of Aberdeen and Banff, vol. iv. pp. 87, 171.

[2] Exchequer Rolls, vol. iii. p. 615 ; Fordun, à Goodall, vol. ii. p. 439.

[3] Wyntown's Cronykil, B. IX. c. xxv. ; Rotuli Scotiæ, vol. ii. p. 177. The first safe-conduct was dated 30th January 1406 ; the second, an extension of the first, on 13th March 1406. The movements of the Earl of Orkney were a puzzle to Pinkerton, who accepted Bower's statement that the Prince was taken captive in 1405, and therefore found an apparent discrepancy in two safe-conducts issued to the Earl in August and September 1405 [Fœdera, vol. viii. pp. 410, 415], as if he had not been set free. In a letter printed in the Exchequer Rolls, vol. iv. Preface, pp. cxcvii-cc, 1407 has been proposed as the true date. But this is unnecessary, as the documents as they stand are perfectly consistent with the view that Orkney in 1405 was a hostage for the Earl of Douglas, was released for a time on his brother's security, and in the beginning of 1406 received two safe-conducts for return to England, in terms of which he was set free when captured with Prince James.

brother. A safe-conduct was issued on 1st November 1406, in which the name of James Douglas appears, but no further reference is made to him in any later document of a like nature.[1] The Earl himself was in England during 1406, and that James Douglas did not proceed thither seems evident from his witnessing a charter by Thomas Maitland of Halsington and Ormiston, dated 5th January 1407.[2]

In that charter, which is a grant to Robert Dikison, laird of Huchonfield, of the lands of Ormiston in Peeblesshire, James Douglas is styled warden of the Scottish Marches. He must therefore have remained in that office from the year 1405, or before it, and he continued warden for some years. For his services as warden he more than once claimed from the Government sums due to him for expenses, and when the money was not immediately forthcoming, he occasionally took it by force.[3]

During the regency of the two Dukes of Albany, charges of depredation on the customs were made against James Douglas. But the sums he expended in an official capacity, of which the repayment was irregular, give some show of reason to his exactions. Thus when in 1409 the castle of Jedburgh was demolished, he, as warden of the Marches, was employed in guarding the masons who threw down the walls, which, owing to the hardness of the mortar, was a task of much labour.[4] The expenses were necessarily heavy, but the Regent refused to defray them by taxing the community, and ordered the amount to be paid from the customs of the kingdom. As a result,

[1] Rotuli Scotiæ, vol. ii. p. 181.

[2] Original charter in Traquair Charter-chest.

[3] During the year 1407 he received from the custumars of Edinburgh, by order of the Duke of Albany, the sum of £46, 13s. 4d. Besides this sum he received £23, 5s. 2d. for his expenses incurred about the burning of Berwick, and he also appropriated an additional sum of £26, 13s. 4d., alleging that the Governor had caused to be taken from him 40 merks for the relief duty of his lands of Aberdour. In the following year the custumars took credit for these sums on the same grounds. [Exchequer Rolls, vol. iv. pp. 42, 44, 81.]

[4] Fordun, à Goodall, vol. ii. p. 444.

a payment of £20 was paid in 1409 or 1410, to Douglas as his expenses connected with Jedburgh Castle, but accounts rendered to Exchequer about the same date charge him with taking from the custumars of Linlithgow an additional sum of £146, 13s. 4d.[1]

On another occasion he seized, in the town of Linlithgow, the customs collector, whom he incarcerated in the castle of Abercorn until he paid his captor £8. At other times Douglas confined merchants and burgesses of Linlithgow in the same fortress, and compelled them to pay various sums, occasionally of considerable amount.[2] In vain did the despoiled custumars record his misdeeds, and the auditors of Exchequer consult the Regent; Douglas pursued his course, sometimes varying it by compelling the customs officers to pass his wool without taxing it.[3]

James Douglas received from his brother, the fourth Earl of Douglas, a considerable extent of territory, including Balvany, from which he for a time took his principal designation. At what date he received that and other grants of lands has not been ascertained, but he was in possession of the strong castle of Abercorn in 1408. Besides Abercorn, James Douglas held from his brother, the Earl of Douglas, the lands and baronies of Avoch, Edderdor, Stratherne, and Brachly, in the shire of Inverness; Bocharm, Balvany, and others in the shire of Banff; and the baronies of Aberdour and Rattray in Buchan.[4] Other lands received by him from his brother were the barony of Petty, one-third of the lands of Duffus, with all his lands in the thanedoms in the lordship of Kylmalaman in the shire of Elgin, and some smaller lands in Inverness.[5] These were all ancient possessions of the Morays of Bothwell, except perhaps Rattray and others in

[1] Exchequer Rolls, vol. iv. pp. 113, 115.

[2] *Ibid.* pp. 193, 216, 244, 270, 296.

[3] *Ibid.* pp. 301, 365. During this period two safe-conducts to pass into England, in May 1412 and April 1416, were granted to James Douglas, but for what cause does not appear. [Rotuli Scotiæ, vol. ii. pp. 200, 217.]

[4] Registrum Magni Sigilli, vol. ii. No. 43.

[5] *Ibid.* No. 49.

Aberdeen, which had belonged to Sir Archibald Douglas, the Regent of Scotland, slain at Halidon. James Douglas is found in possession of the lands of Aberdour in 1408,[1] and probably he was then lord of the others also.

James Douglas of Balvany was present at the general council held at Inverkeithing on 19th August 1423, which appointed ambassadors to negotiate finally for the release of King James the First. He was selected, but did not act among those who actually conducted the negotiations to their successful issue,[2] though he met the Scottish monarch at Durham, and accompanied him to his own kingdom.[3] This was in April 1424, and on the meeting of the king's first Parliament in May, Douglas was appointed one of the auditors of the taxation for the ransom-money to be paid to England.[4] In the following March, King James struck his final blow at the House of Albany by arresting Duke Murdach, his sons, and twenty-six of the principal Scottish barons, including the Earl of Douglas, and consigning them to prison. Most of the imprisoned barons, however, were liberated, and James Douglas of Balvany, who had not been arrested, and his nephew, in the following May, sat side by side in the Council Hall at Stirling, as jurors on the trial of the unfortunate Duke of Albany, who was condemned and beheaded.[5]

Douglas of Balvany seems to have been in favour with King James the First. In the year following the death of Albany, the king confirmed to him and Beatrix his spouse all the lands already named as possessed by him;[6] also the lands of Strathavon or Avondale and Pettinain in Lanarkshire and Stewarton in Ayrshire.[7]

[1] In 1408, James Douglas, lord of Abercorn and Aberdour, granted lands in the last named barony to William Fraser of Philorth and others. Antiquities of Aberdeen and Banff, vol. ii. pp. 375-377.

[2] Acts of the Parliaments of Scotland, vol. i. p. 589; Rotuli Scotiæ, vol. ii. pp. 240-243.

[3] Rotuli Scotiæ, vol. ii. pp. 244, 245.

[4] Acts of the Parliaments of Scotland, vol. ii. p. 5.

[5] Fordun, à Goodall, vol. ii. pp. 482, 483.

[6] Registrum Magni Sigilli, vol. ii. Nos. 38. 39, 43, 49.

[7] *Ibid.* Nos. 40, 72, 77, 78.

James Douglas of Balvany was created Earl of Avondale and Lord Balvany, the title of Avondale being obtained from the barony of Strathavon or Avondale in the parish of that name.[1] No patent of creation is known to exist, or any formal record of it, but the year 1437 has been assigned as the date of that creation.[2] If so, the dignity must have been conferred by King James the Second in the beginning of his reign, when Archibald, fifth Earl of Douglas, was appointed Lieutenant-general of the kingdom. The presumption that he was made earl about the same time that his nephew, the fifth Earl of Douglas, was appointed Lieutenant-general, is strengthened by the fact that in this year also the Earl of Avondale was Justice-general of Scotland, and the two appointments were probably made simultaneously. As Earl of Avondale and Justice-general of Scotland he presided in a circuit court held at Jedburgh, on 28th November 1437, in which a question between Sir William Douglas of Drumlanrig and Jonet Murray, relict of James Gladstanes, as to the ownership of the East Mains of Hawick, was decided in favour of the former.[3] On this, or some other occasion, the progress of the King's justiciary court seems to have been objectionable to the proprietrix of Nithsdale, Egidia Douglas, Countess of Orkney, who in the following May protested to the Earl of Douglas in presence of the Earl of Avondale and others of the Council against the unjust spoliation of her lands of Nithsdale. The Council granted that she should have full justice in next Parliament, and that if in the interval justiciary or chamberlain courts were held in her territory, they should not prejudice her rights. The lady, however, replied by protesting that if any such courts were held

[1] After the forfeiture of the title by the Douglas family the same place afterwards furnished the title of Lord Avondale to Andrew Stewart, chancellor of Scotland.

[2] This date is assigned as the year of creation in a MS. printed in Fordun, à Goodall, vol. ii. p. 541.

[3] Original Writ *penes* William Fraser, LL.D., Edinburgh.

she would interrupt their proceedings.[1] Douglas also held the office of Sheriff of Lanark.[2]

The Earl of Avondale was also employed in other departments of the public service. He was appointed one of the Scottish conservators of the important nine years' truce concluded on 30th March 1438 between Scotland and England.[3] Along with his nephew, the Earl was in Bute, and there held a meeting with the lord of the Isles, Alexander, Earl of Ross, evidence of which is found in the accounts of the royal chamberlains of Bute and Arran, rendered in 1440 and 1444. £24, 7s. 8d. was paid for the expenses of the Earl of Avondale, and in addition seven bolls of bear, and twenty-eight mart cattle were furnished by the king's husbandman on the occasion. The reason of the conference between the two Earls is not recorded, but it may be surmised that it was connected with their judicial functions, Avondale being Justice-general of Scotland, while Ross was Justiciary north of the Forth.[4] Some time during 1438 or 1439, John Bullok, bishop of Ross, is recorded as travelling between the Earl of Ross and the king's council as to the concord and pacification of the country,[5] and the same subject may have been the subject of discussion between the two justiciars.

[1] Original Protest, dated 30th May 1438, in Crookston Charter-chest. The duties of Douglas as justiciary led him on one occasion to Coldingham during a dispute between Sir Alexander Home of that Ilk and David Home of Wedderburn as to the office of bailie. The prior of Coldingham had conferred the office on Sir Alexander Home, an appointment stoutly resisted by his rival, who referred the case to the decision of the justiciary. Douglas held an assize and pronounced in favour of David Home, but this did not end the dispute, which with his other grievances is detailed by Home himself in a long letter to the prior of Durham, on 12th March 1442-3. [The Priory of Coldingham, Surtees Society, pp. 147-150.]

[2] In the year 1435 he is debited with fines levied from those accused of forestalling the markets in the burghs of Lanark and Ruglen (Rutherglen) for three years previously. Exchequer Rolls, vol. iv. p. 670.

[3] Rotuli Scotiæ, vol. ii. pp. 307-310.

[4] The Earl of Ross was Justiciary in 1438-9. Familie of Innes, p. 73; Exchequer Rolls, vol. v. pp. 84-87.

[5] *Ibid.* pp. 101, 102.

The Earl was at Stirling about the date of the General Council held there in August 1439,[1] which sanctioned the agreement between Queen Joanna and Sir Alexander Livingstone, but he is not named in connection with the proceedings. In November of the following year, by the untimely deaths of his grand-nephews, William, sixth Earl of Douglas, and his brother David, the Earl of Avondale succeeded to the earldom and entailed estates of Douglas, and became seventh Earl of Douglas. It has been asserted that the earldom of Douglas was bestowed upon Avondale, thus suggesting that this was the price of his connivance at the misdeeds of the party in power. But the writers who allege this have overlooked the fact that under the entail of 1342, the lands of Douglas were provided to Sir Archibald Douglas (the third Earl) and the heirs-male of his body. James, Earl of Avondale, was the second son of the third Earl of Douglas, and on the failure of the heirs-male of his elder brother, the earldom and entailed estates were inherited by him not as a grant from the Crown, but by virtue of the entail.

The Earl of Avondale has further been accused of conniving at the deaths of his youthful kinsmen on the ground that he did not revenge their murder, and that he was afterwards on terms of intimacy with their murderers,[2] but this charge may also be set aside. Apart from the Earl's advanced age and corpulence, which appears to have been excessive, but which perhaps would not have hindered his taking vengeance, the estates of Douglas came to him in a diminished form, as the territory of Galloway, Wigtown, and other lands passed to the sister of the sixth Earl, the "Fair Maid of Galloway," as heir of line.[3] The new Earl was thus less able to cope with

[1] He was at Stirling on 13th August and 4th September 1439. In the same year he received from William Fraser of Overtoun a grant of the lands of Glenwhim in Peeblesshire. [Registrum Magni Sigilli, vol. ii. Nos. 203, 204, 246.]

[2] Tytler's History of Scotland, vol. iii. p. 188.

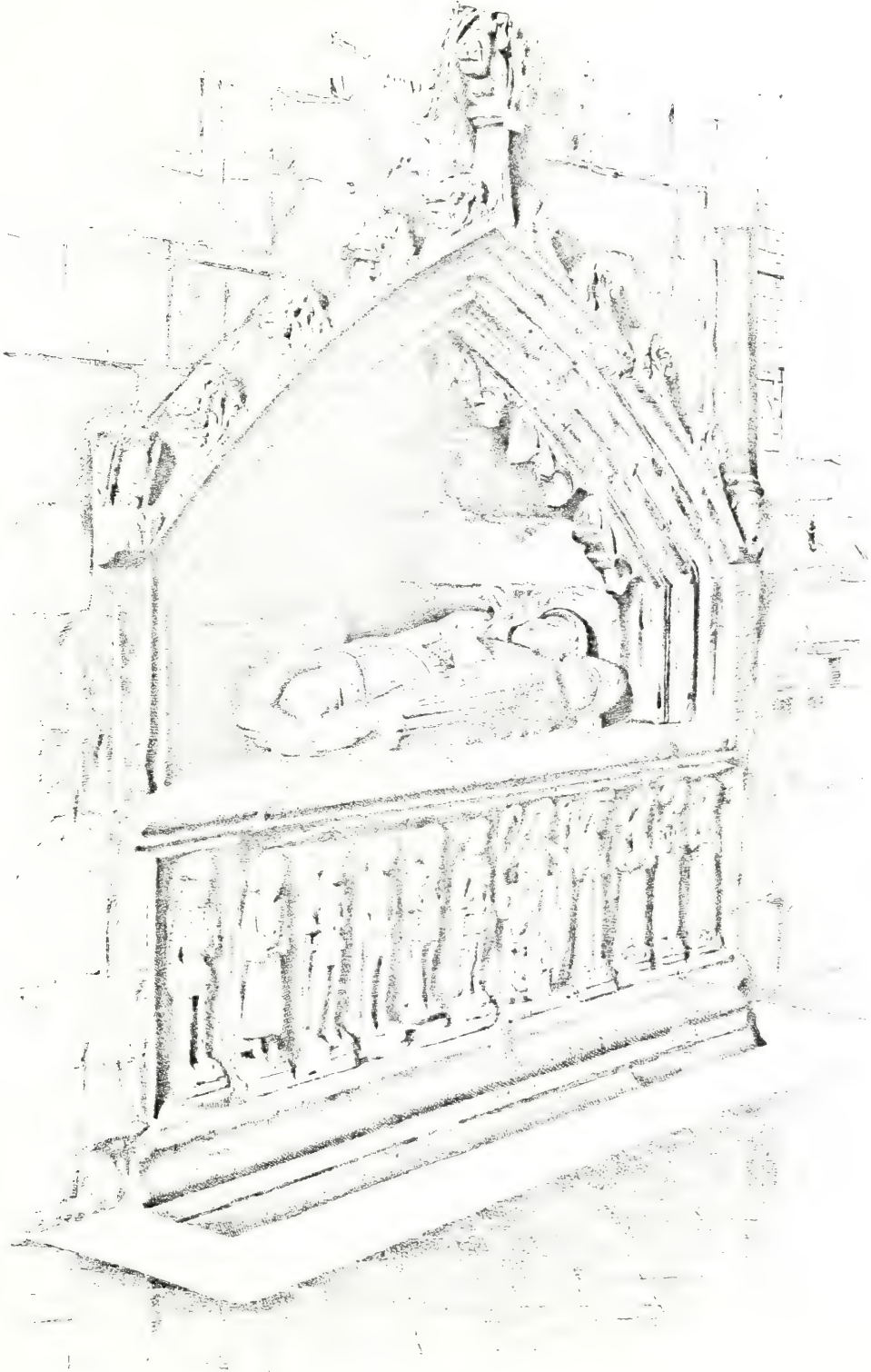
[3] The Earl seems to have made an attempt to exercise his right over the lands of Buittle in Galloway, which were included in the entailed estates, by obtaining a sasine of the

Chancellor Crichton, who vindicated his act as done in the name of the king. That vengeance was only deferred may be presumed from the fact that a few years later, on the consolidation of the Douglas estates by the marriage of Margaret of Galloway with William, eighth Earl of Douglas, the whole power of the Douglases was brought to bear against Crichton, who was deposed from his office. There is also no evidence whatever that the seventh Earl of Douglas, during his short tenure of the earldom, took any part with those in power. He indeed appears as a member of a numerously attended General Council held at Edinburgh in April 1441,[1] but this does not infer complicity, and the energy with which he is said to have devoted himself to arranging the consolidation of the Douglas lands seems to imply that under an apparently pacific policy he cherished schemes of retaliation to be completed when he had the power.

Whatever the Earl's intentions were, he did not hold the estates sufficiently long to realise them, as he died within three years of his accession. There is some discrepancy as to the actual date of his death. The inscription on his monument in St. Bride's Church at Douglas gives the day of his decease as 24th March 1443, while the annotator of the Extracta e variis Cronicis Scocie states that he died on 10th March in that

lands from Chancery, but the sasine was rejected and broken by the real tenants, the Douglases of Dalkeith, on 14th June 1441. [Registrum Honoris de Morton, vol. ii. p. 210.]

[1] Acts of the Parliaments of Scotland, vol. ii. pp. 56, 57. The only other references to this Earl of Douglas after his accession which have been found are of a private nature. He received the rents of Inchyra, in Perthshire, for two years previous to 1441, as to which the king was to be consulted. [Exchequer Rolls, vol. v. p. 111.] About the same time he received from Roger Broun, son of the deceased Richard Broun of Hartree, a letter of reversion of the lands of Cultermains, mortgaged for 100 merks. Dated 17th January 1440-41. [Acts of the Parliaments of Scotland, vol. ii. p. 294.]



MONUMENT OF JAMES SEVENTH EARL OF DOUGLAS

IN ST BRIDES.— DOUGLAS



mill̃ⁱ dies inter [predictos dauidum et douuuam]
duos villanos primogenitus et heres dicti (geñat
dñi iacobi succedēs ad totalē hereditatē dicti amiraco-
di comitis magist̃ de douglas archibaldus tercius comes
comes :murrauie hugo quintus comitis ottuodie
johēs quintus genitus dñs de balwanhirg de douglas
et tercius comitis margareta uxor dñi de dauiayet Beatrix
uxor dñi de lahaye ostabularii scocie joneta uxor dñi
de bygar et de comnald̃ elizabeth de douglas quitalibus

ARMORIAL BEARINGS AND INSCRIPTION

ON THE MONUMENT OF JAMES SEVENTH EARL OF DOUGLAS

IN ST. BRIDES,— DOUGLAS.

year.[1] An account rendered to Exchequer on 31st July 1443, states that the rents of the baronies of Rattray and Aberdour were then in the king's hands by the death of James, late Earl of Douglas. His death took place, it would appear, at Abercorn, evidently his favourite residence, and his body was borne to Douglas, and interred there. A monument erected to him and his Countess still stands on the south side of the chancel of the old church at Douglas, to the west of the priest's door. It bears their effigies in recumbent postures, while in a row on the lower part of the monument are representations, in relief, of their ten children in standing attitudes.

James, seventh Earl of Douglas, appears to have been twice married, first to a daughter of Robert, first Duke of Albany, and secondly, to Beatrix Sinclair, daughter of Henry, Earl of Orkney. Although the name of the regent's daughter has not been ascertained, the marriage is authenticated by her brother Murdach, second Duke of Albany, styling James Douglas of Balvany his brother.[2] She appears to have pre-deceased her husband about 1424, and without issue.

The maiden surname of the second wife of this Earl is not given in any of the numerous charters in which she is mentioned,[3] but it is stated in the

[1] Godscroft's History, edition 1644, p. 159; Extracta e variis Cronicis Scocie, p. 238, note. These dates would imply that Earl James died in March 1443-4, but the Auchinleck Chronicle [pp. 4, 35] with greater accuracy states that he died on 25th March (New Year's Day) 1443. This agrees with the authority in the text and also with the statement in the Chronicle itself [pp. 5, 36], that William was Earl of Douglas in August 1443. The same Chronicle and the annotator of the "Extracta, etc.," state a fact which, if true, shows that the Earl's obesity was excessive, and may have caused his death,—"Beand bowellit he (the Earl) had mair nor iiij stane of talch (fat) in his wombe."

[2] He is so styled on three occasions at least, on 19th August 1423 in an Act of General Council at Inverkeithing [Acts of the Parliaments of Scotland, vol. i. p. 589], on 28th August 1423, in a precept for infefting Henry Ramsay of Colluthie in Leuchars [History of the Carnegies Earls of Southesk, by William Fraser, p. 510], and on 4th March following in a charter of Pittendriech [Hist. MSS. Commissioners, 9th Report, Part ii. p. 185].

[3] Registrum Magni Sigilli, vol. ii. Nos. 39, 40, 72, 77, 78, 246, 301.

inscription on the monument in St. Bride's as Beatrix Sinclair. On the lower part of the monument, between the effigies of the sons and daughters, there is the figure of an angel bearing a shield with the Douglas and Sinclair arms impaled. This marriage must have been celebrated before 7th March 1425-6, as on that date King James the First granted certain lands to James Douglas of Balvany and Beatrix his spouse in conjunct-fee.[1] She survived her husband many years, and in June 1455 was forfeited for the share she took in aiding her sons, the Earls of Douglas, Moray, and Ormond, in their rebellion against King James the Second. She seems to have escaped into England, and died before 1463, as in a sasine dated 8th February of that year, affecting lands in Leith, she is described as the late Beatrix, Countess of Douglas.[2]

By his wife, Beatrix Sinclair, James, seventh Earl of Douglas, had six sons and four daughters:—

1. William, who succeeded his father as eighth Earl of Douglas, and of whom a memoir follows.
2. James, Master of Douglas, also styled of Heriotmuir, who succeeded his brother William as ninth and last Earl of Douglas. Of him also a memoir follows.
3. Archibald, Earl of Moray, of whom a short notice follows.
4. Hugh, Earl of Ormond, of whom a short notice follows.
5. John, Lord of Balvany, of whom a short notice follows.
6. Henry, who is mentioned in the monumental inscription in St. Bride's, and is said by Godscroft to have become Bishop of Dunkeld. This, however, conflicts with what that writer says of another son whom he calls the youngest, George, and who is not commemorated on the tombstone. Godscroft narrates that when the eighth Earl of Douglas went to Rome in 1450, he took with him from Paris his youngest brother, George, who was there at the schools—a young

[1] Registrum Magni Sigilli, vol. ii. No. 39. [2] Charters of St. Giles, p. 109.

man of great promise—but he died while on the journey to Rome. Godscroft adds that George Douglas had been nominated Bishop of Dunkeld, and was to have been inaugurated at Rome. He died, it is said, before the fifteenth year of his age.[1] These two names, Henry and George, probably refer to one and the same person.

The daughters of the seventh Earl of Douglas were—

1. Margaret, described by Godscroft as wife of the Lord of Dalkeith, and usually stated to be wife of James, Lord of Dalkeith, father of the first Earl of Morton. She was, however, the wife of his brother, Henry Douglas of Borg, who, during his brother's insanity, probably acquired some right over Dalkeith.[2] She survived her husband, and was still alive in 1469. Henry of Douglas and his wife had issue at least three sons, Hugh, James, and John Douglas, the first of whom in 1474 renounced his rights over the barony of Dalkeith, his brothers being witnesses to his deed.[3]

2. Beatrix, who married Sir William Hay,[4] Constable of Scotland, and

[1] History of the Houses of Douglas and Angus, edition 1644, pp. 157, 181.

[2] Cf. Registrum Magni Sigilli, vol. ii. Nos. 228, 515; Registrum Honoris de Morton, vol. ii. pp. 207-209. Henry Douglas received from his father, to himself and his wife, the lands of Borg in Galloway, and others in Annandale. [Registrum Magni Sigilli, vol. ii. No. 1138.] From these and other lands his wife drew her terce after his decease, though Borg was forfeited in 1455.

[3] Exchequer Rolls, vol. vi. pp. cxii, 196-642; vol. vii. p. 603: Registrum Honoris de Morton, vol. ii. pp. 221-224.

[4] This is proved by a lease of the lands of Crimond granted in September 1450, by Hugh Douglas, Earl of Ormond, to his "brother," William, Lord Hay. [Antiquities of Aberdeen and Banff, vol. i. p. 428.] This was probably soon after the marriage, as, in March 1450, King James the Second confirmed to William, Lord Hay, and Beatrix, his spouse, the lands of Inchyra in conjunct-fee, and these lands remained in her possession after her husband's death, which took place on 29th September 1462. [Registrum Magni Sigilli, vol. ii. No. 328; Exchequer Rolls, vol. vii. pp. 206, 207.] The first Earl of Errol is usually said to have died in 1470, but his death is distinctly recorded at the date given in the text.

first Earl of Errol. Beatrix, Countess of Errol, was alive, in widowhood, in 1490.[1] She and her husband had issue.

3. Janet, who is said to have married Robert, first Lord Fleming of Cumbernauld, and had issue.
4. Elizabeth, described on the monument in St. Bride's as the fourth daughter. She is said to have married Sir John Wallace of Craigie.[2]

[1] Countess Beatrix granted certain alms in 1481 to the Friars Minorites of Dundee, and promised to repair an altar in their church in honour of the three kings of Colan (Cologne), in return for which the Friars agreed to celebrate a mass daily in favour of her husband, herself, and family. Miscellany of the Spalding Club, vol. ii. pp. 324-328.

[2] Regarding Janet and Elizabeth Douglas, no particulars have been ascertained. Robert, Lord Fleming, and Sir John Wallace of Craigie seem to have been adherents of the family of Douglas, but no trace of their relationship has been discovered.



SEAL USED BY JAMES, EARL OF AVONDALE, AS JUSTICE-GENERAL OF SCOTLAND, 1457.

Archibald Douglas, Earl of Moray.

Elizabeth Dunbar, Countess of Moray, his Wife.

1445—1455.

Archibald Douglas, Earl of Moray, was a twin with James, but by a formal statement on the part of their mother, in 1447, was declared to be the younger brother.[1] He had previously been deemed the elder of the two, as appears from the first public document in which his name occurs. On 26th April 1442, as the second son of James, Earl of Douglas, he received a crown precept of sasine of the lands of Kintore to himself and Elizabeth Dunbar his spouse, who, with Janet Dunbar, her elder sister, was a daughter and co-heiress of James Dunbar, Earl of Moray.[2] Janet and Elizabeth had resigned the lands, and they were now regranted as above, with a remainder, failing the heirs of Archibald, to the other sons of James, Earl of Douglas, whom failing, to the heirs of Elizabeth Dunbar. This peculiar entail shows that the Douglases had determined to annex the earldom of Moray. The result was the setting aside of the elder heiress, and the securing of the earldom to Archibald Douglas and his wife Elizabeth, an end all the more easily accomplished by the influence of Archibald's eldest brother William, eighth Earl of Douglas, who in 1443 had been appointed Lieutenant-general of the kingdom.

Archibald Douglas first appears as Earl of Moray in the records of Parliament on 28th June 1445, and was in attendance at Parliament or on the king at intervals until May 1450.[3] He was also one of those appointed, on the part of Scotland, as conservators of a truce with England concluded in November 1449.[4] In June of 1450 he was apparently in the north of Scotland,[5] but nothing is known of his movements during the latter half of 1450, when his two elder brothers went to Rome. He probably employed himself in superintending the works on his castle of Darnaway, afterwards to

[1] 26th August 1447. Confirmed 9th January 1450. Registrum Magni Sigilli, vol. ii. No. 301.

[2] Antiquities of Aberdeen and Banff, vol. iii. p. 231; cf. Index vol. p. lxxiii.

[3] Acts of the Parliaments of Scotland, vol. ii. pp. 59-64; Registrum Magni Sigilli, vol. ii. Nos. 308-311, 314, 328, 344, 346.

[4] Rotuli Scotiæ, vol. ii. p. 340.

[5] He granted a precept for infefting one of his vassals, John Haliburton of Gask, with his wife Catherine Chisholm, in lands in the Aird in Inverness-shire. [Vol. iii. of this work, p. 75.]

be referred to. In 1451 he is named as an heir of entail, along with his brothers James, Hugh, and John, in the remarkable series of charters granted in July and October of that year to William, Earl of Douglas.[1]

In May 1451, he is named in a safe-conduct from the English king, directed to the Earl of Douglas and his brothers, but there is no evidence that the Earl of Moray took advantage of it, and the Earl of Douglas did not. On the murder of the latter at Stirling in February 1452, the Earl of Moray does not appear to have been present with his brothers James and Hugh when they defied the king, but it was probably in that year that he ravaged Strathbogie, while the Earl of Huntly was employed in suppressing the rebellion of the Earl of Crawford.[2] Huntly, it is said, marched north to defend his territory and to retaliate, and it was on this occasion, according to Godscroft, that the skirmish took place in which Huntly was defeated and his men driven into a morass at Dunkinty, near Pittendriech, and which gave rise to the rhyme—

> Where left thou thy men, thou Gordon so gay?
> In the bog of Dunkinty mowing the hay.[3]

The date of the harrying of Strathbogie is not precisely given by historians, but it seems to have taken place in 1452, and not during the later rebellion of the Douglases. Archibald Douglas certainly fell under the king's displeasure in this year, as the title of Earl of Moray was, temporarily at least, conferred upon Sir James Crichton of Frendraught, eldest son of the Chancellor, and husband of Janet Dunbar, the elder co-heiress of Moray,[4] although the earldom seems to have remained with Douglas. The Douglases were restored to favour in August 1452,[5] and the Earl of Moray was exercising his rights as Earl in August of the following year.[6]

The events of the year 1454 are difficult to trace, but, towards its close or in the beginning of 1455, King James the Second found himself powerful enough to crush the House of Douglas. The progress of the war between the king and the insurgents will be more fully treated in the memoir of the ninth Earl of Douglas, but the fate of the Earl of Moray may be learned from a letter written by the king himself.

[1] Registrum Magni Sigilli, vol. ii. Nos. 468-479, *passim;* 503; Acts of the Parliaments of Scotland, vol. ii. pp. 68-72.

[2] Pitscottie, edition 1778. p. 69; Lives of the Lindsays, vol. i. p. 136.

[3] History of Douglas and Angus, edition 1644, p. 198.

[4] Auchinleck Chronicle, pp. 11, 49.

[5] Godscroft MS. at Hamilton Palace; Tytler's History of Scotland, vol. iii. p. 505, note M.

[6] The Chiefs of Grant, by William Fraser, LL.D., vol. iii. p. 22. Precept to Duncan Grant of Freuchie as his bailie in Inverallan, in Strathspey.

The Earl of Douglas had retreated into England, while his three brothers, the Earls of Moray and Ormond, and John Douglas of Balvany, assembled the Douglas adherents on the Borders and continued the struggle against the king. They were, however, met by a strong body of troops, composed of the Scotts, Beatsons, and other men of Liddesdale, Eskdale, and Annandale, united, it is said, under the Earl of Angus, as Warden of the East Marches, and a conflict ensued at a place on the Esk called Arkinholm, near Langholm, on 1st May 1455, in which the royal forces were victorious. Archibald Douglas, Earl of Moray, was slain on the field of battle, and his head borne in triumph to the king, then engaged in the siege of Abercorn.[1]

In June 1455, when Parliament forfeited James, Earl of Douglas, his mother, and three brothers, it was charged against the Earl of Moray that he had treasonably fortified the castles of Lochindorb and Darnaway.[2] Of the truth of this, as regards the old island fortress of Lochindorb, there is no other evidence, but in March following the Thane of Cawdor was instructed to demolish that ancient stronghold.[3] In performing that work the Thane expended £24, which was repaid from Exchequer, and tradition states that the iron door of his own keep of Cawdor, which was built about this time, was carried from Lochindorb Castle.[4]

As to Darnaway, there is abundant evidence that the Earl of Moray was engaged in building and adding to his residence there, but with the view of beautifying rather than of fortifying. It is to his taste for architecture and magnificence that the great hall of Darnaway, long ascribed by tradition to the famous Randolph, owes its conception, origin, and completion in part. Douglas had devoted 100 marks to the work, and paid £20 of that sum, and when in 1455 the castle came into the hands of the Crown, King James the Second ordered the building to be completed in the same style in which it was begun. The balance of the 100 marks was paid for roofing the hall, and other sums were disbursed for carpenter work.[5]

Besides architecture, Archibald Douglas, Earl of Moray, and his Countess seem to have had a taste for other arts. It was at the Earl's favourite residence of Darnaway, and to please his fair spouse, that the poem of the Howlat was written by Richard Holland, as the latter himself states in his concluding stanza.[6] Internal evidence

[1] Letter from King James II. to Charles VII. of France, 8th July 1455. Pinkerton's History of Scotland, vol. i. p. 486; cf. Registrum Magni Sigilli, vol. ii. Nos. 632, 633, 674.

[2] Acts of the Parliaments of Scotland, vol. ii. p. 76.

[3] The Thanes of Cawdor, Spalding Club, p. 21.

[4] *Ibid.*; Exchequer Rolls, vol. vi. p. 486.

[5] *Ibid.* pp. 220, 380, 483.

[6] The Buke of the Howlat, Bannatyne Club, 1823.

shows that this work was composed about 1453, or after the reconciliation between the king and the Douglases, and before the final outbreak in 1455. The scene is laid in the forest of Darnaway, and the writer shows his attachment to the house of Douglas by some of the finest and most touching lines in the poem.

Elizabeth, Countess of Moray, the "Dow of Dunbar," in whose honour the "Howlat" was composed, did not escape the misfortune which befell her husband's family. Evidently in the hope that she would do so, or with the view of preserving her inheritance, the Countess, only nineteen days after the battle of Arkinholm, entered into a matrimonial arrangement with the Earl of Huntly and his son, by which she agreed to marry the younger Gordon and endow him with her possessions. She was to retain Darnaway, while Lochindorb was to be delivered up to Huntly, and her husband was to secure her in undisturbed possession of her earldom.[1] But this arrangement never took effect. The king's power was too great to be withstood, and the earldom of Moray was annexed to the Crown. The marriage, however, was completed, but a few years later the Countess was divorced under the plea of consanguinity, that Gordon might marry the king's sister. Elizabeth Dunbar married as her third husband Sir John Colquhoun of Colquhoun and Luss, and was still alive in 1472.[2] She received during her life a small pension from the Crown.

The marriage-contract with the Gordons, already quoted, shows that Archibald Douglas, Earl of Moray, and his Countess had at least two children, a son named James and a daughter Janet, but their history has not been ascertained.

[1] Miscellany of the Spalding Club, vol. iv. p. 128.

[2] The lady's divorce from Gordon took place before March 1459, and her third marriage previous to 1463. [The Chiefs of Colquhoun, by William Fraser, vol. i. pp. 47-50.]



Coinfyld of the Quhome

Pouplins of mozay

Hugh Douglas, Earl of Ormond.

1445—1455.

4. Hugh Douglas was created Earl of Ormond in 1445, and owed the dignity to his eldest brother William, eighth Earl of Douglas, who having married the "Fair Maid of Galloway," heiress of all those Douglas possessions in the north of Scotland which came into the family through Joanna Moray of Bothwell, to support his own influence, bestowed various lands upon his younger brothers. To Hugh Douglas were given Ardmanach, from part of which he derived his title, probably also Avoch, Brachly, and Petty. He likewise possessed Rattray, Aberdour, and Crimond, in the shire of Aberdeen, and Dunsyre, in Lanarkshire.[1]

Hugh Douglas sat as Earl of Ormond in the Parliaments of 1445 and 1449. Some time between those dates, for there is confusion among historians as to the year, he signalised himself by a military exploit against the English. Notwithstanding the truce, hostilities had broken out between the two countries, and the Earl of Ormond took part in an expedition into Northumberland, led by his brother, the Earl of Douglas. This inroad is said to have taken place about June 1448, and in the following October Ormond himself gained a decisive victory over an English force. Lord Percy, son of the Earl of Northumberland, and two other English leaders advanced into Scotland with an army of six thousand men, and encamped near the river Sark. Here they were attacked by four thousand Scots under the Earl of Ormond and others, and a conflict ensued, in which it is said 1500 Englishmen were slain, 500 being drowned, while their leaders were taken prisoners.[2]

According to Godscroft, the Earl of Ormond was left in charge of the Douglas estates by his brother, the Earl of Douglas, on the latter's departure for Rome in November 1450. He is named in the safe-conduct to the Earl and his brothers in the following year, but whether he went to England is doubtful. Perhaps he did, for he and his brother James are frequently found acting together, and they both joined in the defiance to the king after their brother William's death in Stirling Castle. The Earl of Ormond's seal also was appended to that cartel which was attached by night to the

[1] Exchequer Rolls, vol. vi. pp. 162, 212, 265; vol. vii. p. 360: Antiquities of Aberdeen and Banff, vol. iv. pp. 77, 119.

[2] This battle took place on 23d October 1448, according to the Auchinleck Chronicle, pp. 18, 40.

door of the hall in which the Scottish Parliament met on 12th June 1452. Though not named in the submission made by Earl James in August of that year, the Earl of Ormond seems to have shared in the disturbances of the time.

During the year 1454, the Earl of Ormond held the office of sheriff of Lanarkshire, apparently for that one year only.[1] In the following year his family were in full rebellion, and at the fatal field of Arkinholm, where his brother Archibald was slain, he was taken prisoner. Sentence was pronounced against him, and he was executed, while his possessions were annexed to the Crown.[2]

Nothing has been discovered concerning the wife of the Earl of Ormond, but he left a son, Hugh, who entered the Church, and became Dean of Brechin. Hugh Douglas is first mentioned in an agreement between the fifth Earl of Angus and himself, dated in 1493 ; and in a similar document, three years later, his relationship to the Earl of Ormond is stated. In these writs the Earl of Angus promised to use his influence with King James the Fourth for permission to Hugh to prosecute his claim of heirship to any land not actually in the king's hands. The lands of Avondale are referred to in the first writ, while the second treats of Glenwhim, Pettinain, or other lands belonging to the late Earls of Douglas, or to the Earl of Ormond, his father. On the other side, the Dean of Brechin bound himself to resign any such lands acquired by him in favour of the Earl of Angus, reserving a liferent.[3] This agreement fortified Angus in his possession of the Douglas estates, as Hugh appears to have been the last heir-male of his family. Hugh Douglas, Dean of Brechin, was in 1499 presented by the Abbot of Arbroath to the vicarage of Inverness. He witnessed charters dated at Brechin in 1504, and Arbroath in 1506, and is named in a writ of 1510, but may then have been deceased.[4]

Hugh, Earl of Ormond, may also have left a daughter. In a charter, dated in 1496, affecting the lands of Birgham and Cockburn, in Berwickshire, it is provided that Archibald, Earl of Angus, is to have these lands, by the advice of John Ogilvie, Baron of Fingask, and Hugh Douglas, Dean of Brechin, his brother, a relationship which may be accounted for by supposing that Ogilvie had married a sister of the Dean.[5]

[1] Exchequer Rolls, vol. vi. pp. 160, 161.

[2] *Ibid.* pp. 212, 265, 377, 465, 480, 524.

[3] Vol. iii. of this work, pp. 139, 160.

[4] Registrum Nigrum de Aberbrothoc, pp. 324, 370; Registrum Magni Sigilli, vol. ii. Nos. 2842, 3559.

[5] Vol. iii. of this work, p. 159. The same relationship might, however, arise by John Ogilvie's father, James Ogilvie of Luntrethin and Airlie, marrying the Dean's mother. Ogilvie is usually said to have married Elizabeth Kennedy, and she may thus be the unknown wife of Hugh, Earl of Ormond.

John Douglas, Lord of Balvany.

1450—1463.

5. Of John Douglas, Lord of Balvany, little is known previous to the year 1451, when he is named with his brothers as an heir of entail in the numerous charters granted to William, eighth Earl of Douglas. He is said to have been left in charge of the Douglas estates in 1450, during the absence of the Earl at Rome, but Godscroft states that the Earl of Ormond was left in charge.[1] Holland, in his Buke of the Howlat, implies that John of Balvany was in 1453 only a youth. He possessed the lands of Balvany, Boharm, and Botriphnie in Banffshire.

According to Boece, he took part with his elder brothers, James and Hugh, in the disturbance at Stirling after the death of the eighth Earl of Douglas, but this is not corroborated by authentic evidence.[2] In the following year he is named with his brothers in the safe-conduct to England in May 1453.[3] King James the Second, in his letter to Charles VII. of France, states that John Douglas of Balvany joined with his brothers the Earls of Moray and Ormond in their rising in Eskdale, and adds that in the flight from the battle of Arkinholm, Balvany withdrew into England.[4] In the forfeiture of his family by Parliament he was included, the act charging Balvany generally with treasonable practices, and particularly with aiding his mother, the Countess Beatrix, in fortifying the castle of Abercorn. In July 1455 a proclamation was issued forbidding assistance or refuge to be given to Balvany and his brother the Earl of Douglas, or their mother, on account of their treasonable intercourse with the English.[5]

For some years after this date nothing is known of the movements of John Douglas of Balvany or his brother the Earl. According to some historians they or their adherents are credited with an unsuccessful invasion of Annandale in October 1458,

[1] Pitscottie, edition 1778, p. 54; History of the Houses of Douglas and Angus, p. 183.

[2] Pitscottie, p. 66: The Auchinleck Chronicle states that James, Earl of Douglas, the Earl of Ormond, and Lord Hamilton, were the only Lords who were at Stirling [pp. 10, 47].

[3] Rotuli Scotiæ, vol. ii. p. 362.

[4] This coincides with a safe-conduct to Beatrix, Countess of Douglas, John Douglas, and Margaret Douglas, of Scotland, granted apparently on 16th June 1455 [Rotuli Scotiæ, vol. ii. p. 374]. It is doubtful if this date is correct, as it is six weeks after Arkinholm and four days after the forfeiture. Rymer gives the date as 16th June 1454. [Fœdera, vol. xi. p. 349.]

[5] Acts of the Parliaments of Scotland, vol. ii. pp. 43, 77.

but the evidence for this is doubtful.[1] The Earl of Douglas had entered the service of the English king, but whatever part he or his brother may have taken in the wars of the Roses, the peace between England and Scotland prevented hostile action against the latter country. The death of King James the Second of Scotland, however, while his son was still a minor, and the accession of an ambitious sovereign to the English throne in the person of King Edward the Fourth, led to a diversion in favour of the Douglases. In June 1461, Balvany joined his brother the Earl in a mission on behalf of the English king to the Earl of Ross, lord of the Isles, which ended in a treaty at London in February 1462. In terms of this engagement the Earl of Ross in the following year raised the standard of rebellion in the north of Scotland, but this rising was soon quelled. This failure may have been partly owing to the fact that Douglas did not succeed in bringing support to his ally.

In October 1462, King Edward the Fourth issued a protection to all who should aid the Earl of Douglas in his schemes of war on Scotland. Whether engaged in the enterprise or not, John of Balvany was in Scotland during the year 1463, and there met his death. He may have been endeavouring to rally the Borderers to the Douglas standard, when he was taken captive by a band of the men of Eskdale or Liddesdale, and carried prisoner to Edinburgh. He was confined in the Castle for twelve days, under a guard of six men, and afterwards beheaded. A price of twelve hundred merks had been set upon his head, and that sum, or part of it, was paid to his captors in the end of the year 1463, after his execution.[2]

John Douglas, Lord of Balvany, so far as is known, died without issue.

[1] Tytler's History of Scotland, vol. iii. p. 278, founding on Law's MS. Chronicle, but the passage in the MS. is evidently a misdated reference to the battle of Sark in 1448. Cf. Auchinleck Chronicle, pp. 18, 40, and Exchequer Rolls, vol. vi. p. lx, note.

[2] Receipt for 500 merks of the reward, paid to John Scot and eight others, on 18th March 1463-4, for the capture of the late traitor, John Douglas, formerly of Balvany [Scotts of Buccleuch, by William Fraser, vol. ii. pp. 63, 64]. An account rendered to Exchequer for the year from 27th July 1463 to 12th July 1464, records a payment for the expenses of John of Douglas in the castle of Edinburgh—6s. a day given to six persons guarding him for twelve days. [Exchequer Rolls, vol. vii. p. 285.] The continuator of Bower states that Balvany was beheaded, but gives a wrong date. [Fordun, à Goodall, vol. ii. p. 515.] A MS. addition to an early copy of Wyntown, under the year 1463, records that "Jhone of Dowglace was slayne in Edynburgh, and erle James his brother was chasyt in Ingland." [Pinkerton's History, vol. i. p. 503.]

VIII.—2. WILLIAM, EIGHTH EARL OF DOUGLAS, SECOND EARL OF AVONDALE, LORD OF GALLOWAY, Etc.

LADY MARGARET DOUGLAS, THE FAIR MAID OF GALLOWAY, HIS COUNTESS.

1443—1452.

JAMES, seventh Earl of Douglas, was succeeded in the earldom by his eldest son William, who became eighth Earl. Through his inherited position and his own personal qualities, he soon rose to be not only one of the most distinguished of his great race, but the foremost peer in Scotland. During his possession of the earldom the Douglases reached the full zenith of their power, while his untimely death was the beginning of their decline and fall. The meagre history of the reign during which he lived prevents a just estimate of his character, though, according to the chroniclers of that time, he was the most prominent figure in Scotland; but the pictures drawn by them of this Earl are too deeply prejudiced to be altogether trustworthy. The territories of his family were the most extensive in Scotland, and the power thus placed in the Earl's hands was very great. No other Scottish noble ever gained such an independent position in the realm. The struggle between the Scottish Crown and the feudal aristocracy of Scotland may be said to have been fought between King James the Second and this Earl, and from the moment when Douglas fell by the royal dagger in Stirling Castle, and his honours and estates passed into weaker hands, the conflict was virtually decided in favour of the former.

This Earl was probably born about the year 1425. He was one of those knighted on 16th October 1430, at the baptism of the princes Alexander and James, the twin sons of King James the First, and is described as then of tender years. Of his history nothing further is recorded until 1443, the year of his succession to the earldom. Then, according to Boece and other historians, he suddenly appeared before King James the Second at Stirling, and by his pleasing manners produced such a favourable impression on the young monarch that he was appointed lieutenant-general of the kingdom. The Earl's visit to Stirling was made, it is said, for the purpose of explaining certain lawless acts[1] done by men for whom he was accounted responsible, for which he made an ample submission, and great professions of service.[2]

An equally probable reason for the Earl's attendance on the king is to be found in the Earl's accession to his title and estates, which took place in March 1443. His appearance at Court therefore, and the submission recorded by Boece, may only refer to the homage offered by the Earl to the king, as his feudal superior. For the young king's favour, however, Douglas may have been indebted to the aid of Sir Alexander Livingstone of Callendar, one of the guardians of the young king. The Earl was already meditating

[1] These acts were an attack made upon Sir William Ruthven, Sheriff of Perth, by John Gorm Stewart, a well-known Athole Highlander, in which both parties were slain, and the seizure of Dumbarton Castle by Patrick Galbraith. The Auchinleck Chronicle (pp. 4, 5, 35), the most reliable record extant of the reign of King James the Second, though it refers to these events as taking place in the summer of 1443, does not connect them in any way with the Earl of Douglas. Bishop Leslie does not record either event. Boece's and Pitscottie's narratives are full of animus against the Douglases, and attribute all the evils in the kingdom to their agency. The statements made by these historians are therefore to be accepted with caution, and where their facts are correct, their conclusions are not trustworthy. It may also be doubted whether Boece has not in this case, as in others, confused separate events, as his account of a later submission by Douglas is similar to this.

[2] Boece, edition 1574, fol. 364; Pitscottie's History, edition 1778, pp. 30-32.

marriage with his kinswoman, the "Fair Maid of Galloway," that the lordship of Galloway and the other Douglas estates which she inherited might be again united with his own. Her mother, Euphemia Graham, widow of Archibald, fifth Earl of Douglas, had married Sir James Hamilton, Livingstone's grandson, and a coalition with Hamilton and Livingstone would serve many purposes. They would promote the Earl's matrimonial designs, while his influence would strengthen Livingstone's faction against that of Chancellor Crichton.

That this last motive weighed strongly with Douglas is proved by what followed. No sooner had he gained a footing at Court than he used his power against the Chancellor, whose murder of the sixth Earl of Douglas was yet unavenged. If Boece be right in assigning the Earl's visit to the king to a date after the seizure of Dumbarton, on 15th July 1443, he must have lost no time in prejudicing the king against Crichton, for on the 20th August, at the royal command, the Earl laid siege to the Chancellor's stronghold of Barnton. Douglas was at the head of a powerful army, and was also accompanied by the members of the king's council and household. After some delay in preparing for an attack, Douglas displayed the royal banner, whereupon the castle capitulated, and was levelled to the ground.[1] The display of the royal banner by Douglas may be taken as confirming the statement that he was lieutenant-general of the kingdom.

This was only the prelude to more severe measures against the Chancellor. On 4th November following, a Parliament was held at Stirling, at which the king presided in person, having determined to assume the government. The Chancellor had been summoned to appear, but failing to do so, he was deposed from his office of Chancellor, while he and his adherents were proclaimed outlaws, and their estates confiscated.[2] Crichton, however,

[1] Auchinleck Chronicle, pp. 5, 36.

[2] *Ibid.*; cf. Acts of the Parliaments of Scotland, vol. ii. p. 33. Bishop Leslie makes the Earl of Douglas submit himself at this Parliament, but the order of events stated in the text is the more probable.

retaliated upon the author of his disgrace by harrying the lands of Douglas, and burning the granges of Abercorn and Strabrock.[1]

In the following year the Earl of Douglas obtained from Rome a dispensation to marry his kinswoman, Margaret Douglas, Lady of Galloway. Boece and Pitscottie state that this marriage was much desired by James, seventh Earl of Douglas—that in the face of great opposition he persevered in his endeavours to procure a dispensation, and that the marriage took place before his death.[2] It is probable that the aged Earl desired the union, but he was dead nearly a year and a half before the dispensation was granted, and the marriage had not then been celebrated.[3] The consent of the friends and relatives of both parties is narrated in the Papal writ, and the marriage probably took place soon after the receipt of the dispensation.

With the command of the widespread Douglas territories thus placed in his hands, the power of Earl William in the realm was greatly augmented. Independently of the royal favour which he possessed, he secured for himself a party in the state by obtaining honours for his relatives and friends. His brothers Archibald, Hugh, and John were respectively created Earls of Moray and Ormond, and Lord of Balvany. Sir James Hamilton was made a Lord of Parliament, and other adherents of the Douglases also received that rank.[4]

These dignities were apparently conferred during the Parliament which met in June 1445, but previous to that date, and throughout that whole year, the hand of Douglas can be traced in the history of the period. During the

[1] Auchinleck Chronicle, pp. 6, 37.

[2] Boece, edition 1574, fol. 364; Pitscottie's History, p. 30. Boece, however, assigns a nearer relationship to William and Margaret than was actually the case; they were second cousins and not cousins, as he states.

[3] The dispensation was dated 24th July 1444, and the terms of it forbid the supposition that the parties were married. [Andrew Stuart's History of the Stewarts, p. 467.]

[4] Acts of the Parliaments of Scotland, 28th June 1445, vol. ii. p. 59; cf. The Frasers of Philorth, by Lord Saltoun, vol. ii. p. 41.

progress of the feud between Douglas and Crichton, James Kennedy, bishop of St. Andrews, joined Crichton. In revenge for this the Earl of Crawford, James Livingstone, a son of Sir Alexander Livingstone, and Sir James Hamilton, with others, laid waste the bishop's lands, and even attempted to seize the bishop himself. This outrage is said to have been prompted by Douglas, with whom Crawford is alleged to have been in league. But if so, the alliance was broken by the death of Crawford at the battle of Arbroath, fought between the Ogilvies and Lindsays in January 1446.[1]

Meanwhile Douglas was besieging Crichton, who had fortified himself in Edinburgh Castle. The king himself was present at the siege of that fortress, which was terminated by Crichton's capitulating on good terms for himself.[2] His surrender may have been prompted by hearing that one of his principal adherents, James Douglas, Earl of Angus, had been forfeited by Parliament for rebellion.[3]

The history of Scotland for the next three years, so far as record is concerned, is almost a blank. It is probable that the country was in a state of comparative rest, only broken by the battle of Arbroath already referred to. The proceedings of the Earl of Douglas, so far as they can be traced, support this view, as his name occurs only in connection with personal and private matters and not with State affairs, while the historians of the period record nothing eventful. In the year following the siege of Edinburgh Castle, the Earl received a grant of £100 from the king, part of which at least was paid to him, and two years later he received a remission of custom on his

[1] Auchinleck Chronicle, pp. 7, 8, 38, 39.

[2] *Ibid.* pp. 6, 37.

[3] 1st July 1445. Acts of the Parliaments of Scotland, vol. ii. p. 59. According to the Auchinleck Chronicle, the meeting of Parliament at Perth in June 1445 was transferred to Edinburgh because of the siege going on there. The Rolls of Parliament confirm this, and Angus was probably forfeited during the progress of the siege. Crichton and Douglas were witnesses together of a royal charter at Edinburgh on 3d July 1445 [vol. iii. of this work].

wool.[1] In the spring of that year, 1446, he was with the king at Stirling, and he was at Edinburgh in July.[2]

In September of the same year, the Earl was at Newark with his brothers James, and Hugh, Earl of Ormond. There he granted a charter of some interest, as it involved the surrender on his part of certain privileges which the Crown had bestowed on the monks of Melrose, but which were disputed by the Douglases as lords of Ettrick Forest. King James the First, in 1430, had erected the lands of the monks in the forest into a regality and had freed them and their tenants from citations and indictments before the royal courts. This privilege was confirmed in 1442, by King James the Second, and, as the Earl of Douglas in his charter narrates, questions of jurisdiction had arisen in consequence. The monks and their men claimed, in terms of the royal grant, to be free from the courts held by the Earl's officers within the forest bounds. These questions the Earl set at rest by granting to the monks full freedom from his own jurisdiction as lord of the forest.[3] Douglas was still at Newark in the following March, on the first of which month he held his baron's court in the great hall of the tower.[4]

In the beginning of August of that year, 1447, the Earl was at the island

[1] Exchequer Rolls, vol. v. pp. 218, 311.

[2] Registrum Magni Sigilli, vol. ii. No. 288. On 10th May 1446, the Earl granted to Thomas Cranston of that Ilk, lands lying to the west of the town of Sprouston. [Original charter in Roxburgh Charter-chest at Floors.] On 23d July 1446, the Earl, as overlord, confirmed a charter by William Inglis of Meunar of the lands of Branxholm and others in favour of Sir Walter Scott of Buccleuch. [The Scotts of Buccleuch, by William Fraser, vol. ii. p. 34.]

[3] Liber de Melros, vol. ii. pp. 572, 573; cf. pp. 494, 571. The Earl's charter is dated 26th September 1446.

[4] On 1st March 1446-7, before the Earl in full court at Newark, Oswald Abernethy declared he claimed no other overlord of his lands of Teinside and Harwood in the barony of Hawick, and Andrew Ker received a precept of *clare constat* as heir of his father Andrew Ker in the lands of Primside in Sprouston. [Original writs in Roxburgh Charter-chest.]

stronghold of Thrieve,[1] but towards the end of the month he was in Edinburgh, where he took part in an important family arrangement which settled the succession to the Douglas estates, failing heirs-male of the Earl himself. In presence of himself and the Countess of Douglas, apparently in this case his mother and not his wife, his two younger brothers, Archibald, Earl of Moray, and James Douglas of Heriotmuir, twins, bound themselves to submit to the determination of the Earl and his mother, as to which of the two was the older. Each bound himself to abide by the decision, and they further agreed to submit to any distribution of his property the Earl might make, should he die without lawful issue. To this document the seals of the Earl, his mother, and two brothers were affixed.[2] In October of the same year the Earl was residing at his own ancestral castle of Douglas.[3]

In the spring or early summer of the following year, 1448, Douglas was again called to active service by the outbreak of hostilities with England.

[1] At Thrieve, on 6th August 1447, the Earl made a grant to the prior and convent of Whithorn of the burgh of Whithorn, with the tolls of the island of Portquhitherne, the tenth of the fines of the Sheriff-Courts of Wigtown, and £10 of annual-rent from the barony of Carnismule. [Registrum Magni Sigilli, vol. ii. No. 383.]

[2] Agreement dated at Edinburgh, 25th August 1447. The mother's decision was given in favour of James Douglas of Heriotmuir, as will be more fully related in the following memoir. Those who witnessed this important document were chiefly friends of the family, and among them were Alexander Earl of Crawford, Alexander Lord Montgomery, Lawrence Lord Abernethy in Rothimay, John Lord Lindsay of the Byres, James Lindsay, parson of Douglas, Robert Fleming of Cumbernauld, Thomas Cranstoun of Cranstoun, Sir John Wallace of Craigie, Sir James Auchinleck, and others. Of these, Crawford, Fleming, and Wallace of Craigie were connected with the Douglases by marriage, Crawford being a relation by marriage of William, sixth Earl of Douglas, while Fleming and Wallace were, it is said, brothers-in-law of the principal parties. This arrangement was thus evidently a wholly private and family affair.

[3] On 4th October 1447, at Douglas, the Earl, with consent of Gavin, Provost of Bothwell, erected the church of Hawick into an additional prebend of the collegiate church at Bothwell, to which he presented his secretary, James Lindsay. [Registrum Episcopatus Glasguensis, vol. ii. p. 366, 367.]

The theatre of war was chiefly confined to the Borders. The English, under the younger Percy and Sir Robert Ogle, burned Dunbar in May, while Dumfries was burned in June by the Earl of Salisbury. In retaliation the Earl of Douglas, with his brother the Earl of Ormond, and others, burned Alnwick, and a few weeks later, with a force, it is said, of forty thousand men, penetrated as far as Warkworth, and gave it also to the flames. Both expeditions were so skilfully conducted that though the Scots inflicted great damage, they retired with comparatively little loss.[1] It was no doubt in connection with this renewal of Border warfare that the Earl, in December of the same year, assembled the freeholders and oldest borderers at Lincluden, and set down in writing the laws of the Marches as used in the days of his grandfather and uncle.[2]

During the same year, 1448, while England and Scotland were thus at war, the latter country was negotiating a closer alliance with France. King James the Second despatched William, Lord Crichton, who had been restored to the office of Chancellor, and others to France, to renew the ancient league between the two kingdoms, and arrange his marriage with Mary, daughter of Arnold, Duke of Gueldres.

The instructions of Chancellor Crichton for the negotiations with France

[1] Auchinleck Chronicle, pp. 27, 39, 40. The number of the force here said to be led by Douglas corresponds to the number of armed men which, according to Godscroft, [edition 1644, p. 207], the Earl could raise on his own territories alone, but the host actually commanded by him is probably overestimated. Two hundred men were taken prisoners in the retreat, and only ten were slain. The Scots, however, had an equivalent number of English captives, and in the following October, the English were defeated at the battle of Sark. [*Ibid.* pp. 18, 40.]

[2] Acts of the Parliaments of Scotland, vol. i. pp. 714-716. The Earl of Douglas apparently exercised justiciary powers over Dumfriesshire at this time, as in July 1448 an assize fixing the marches of certain lands belonging to the Abbey of Sweet-heart and Maxwell of Kirkconnell, was presided over by Alexander Mure, justiciar of the Earl of Douglas, acting under the Earl's commission. [The Book of Carlaverock by William Fraser, vol. ii. p. 431.]

included a matter of some interest to the Earl of Douglas. As already stated in the memoir of the Earl's uncle, Archibald, first Duke of Touraine, his widow, the Princess Margaret, wrote to the king of France claiming her terce from the duchy of Touraine,[1] and her royal nephew, King James the Second, intrusted to his chancellor the urging of this claim upon the French Court. In addition to the demand made by the Princess, William, Earl of Douglas, and his Countess, preferred a claim upon the lands of the duchy. The reply of King Charles the Seventh, to which reference has already been made, is generally to the effect that neither the Duchess of Touraine, nor her nephew, nor his wife, had any claim upon the French Court. In regard to the Earl of Douglas, the French king states he will always esteem the Earl as his special friend, but as the duchy of Touraine was granted only to the first Duke and to the heirs-male of his body, which the Earl was not, he had no right. As for the Earl's wife, although a daughter of the second Duke of Touraine, the king states that there is nothing in France belonging to her grandfather to which she could lay claim. Thus the articles presented by Crichton on behalf of Douglas were dismissed, and all connection between the house of Douglas and the duchy of Touraine ceased.

The marriage negotiations with the Court of Burgundy on behalf of King James the Second were still proceeding in February of the year 1449, when some Burgundian chevaliers visited Scotland. It is said they were attracted by the recent Scottish victories, and were received with much honour by the king. In default of a raid on England, a tournament was arranged to

[1] *Antea*, p. 396. Crichton apparently did not present his letter of instructions until September 1448 [Letters and Papers illustrative of the Wars of the English in France temp. Henry VI., by Rev. J. Stevenson, vol. i. p. 221], but his safe-conduct through England is dated 23d April of that year [Rotuli Scotiæ, vol. ii. p. 332], and the delay in his journey is sufficiently accounted for by the hostilities on the Borders in May, June, and July, as narrated in the text.

be held at Stirling in presence of the king, at which the Burgundians were encountered by Sir James Douglas, brother to the Earl, and two other Scottish champions. The Scottish combatants, it is said, kept the spectators waiting for more than three hours, and then arrived with a numerous following, the Earl of Douglas, who accompanied them, being attended by a train of between four and six thousand men.[1]

The month of September in this year, 1449, witnessed the downfall of the family of Livingstone. For some cause, now unknown, the king suddenly arrested the various members of the family, who, in the Parliament of January 1450, were forfeited, and some of them beheaded.[2] Some writers have attributed this sudden reverse of fortune to the influence of Douglas, but they misdate the event by three years. Douglas, however, obtained a slight accession of territory by the forfeiture of the Livingstones and their party.[3] It is also stated that one of their adherents, Archibald Dundas, brother to James Dundas of that Ilk, fortified Dundas Castle, and held it for some time against the king. When it was surrendered, the building was demolished, and the contents shared between the king, the Earl of Douglas, Lord Crichton, and others.[4]

In the same Parliament a number of excellent laws were passed affecting every class of the community. The poor people who tilled the soil were to be protected in their possessions or leases notwithstanding any change of ownership in the property. Other enactments provided for the prevention and punishing of crimes, for enforcing of which the sheriffs were made

[1] Chroniques de M. de Coussy, quoted in "Les Ecossais en France," etc., par M. Francisque Michel, vol. i. p. 207.

[2] Auchinleck Chronicle, pp. 25, 26, 42.

[3] On 10th February 1449-50, the Earl received the half of Echlin and Dalmeny, and the half of Dundas, forfeited by James Dundas; to which, on 22d May 1450, were added Culter and Ogilface in Lanark and Linlithgow, forfeited by James Livingstone, and Blairmakkis in Lanarkshire, forfeited by Dundas. [Registrum Magni Sigilli, vol. ii. Nos. 316, 317, 357.]

[4] Auchinleck Chronicle, *ut supra.*

responsible to the lieutenant-general. This latter officer, there is reason to believe, was the Earl of Douglas, who, during this year, 1450, was at the height of his power. Boece and others imply that in this year, owing to the assumption by the king of Bishop Kennedy and others as advisers, the influence of Douglas began to wane. These historians also charge him with great cruelty and oppression.[1] But, apart from the fact that he must have aided in passing the laws referred to, authentic records of this period show that Douglas was constantly at court and with the king. From January to August 1450, he is a witness to nearly every royal charter, and in most of them side by side with Bishop Kennedy and Chancellor Crichton. Moreover, the Earl procured the king's ratification of the agreement made in 1447, as to the seniority of his brother James, thus securing the succession to his estates. He also received grants of lands to himself, one charter, erecting the town of Strathavon

[1] One story told by Boece [ed. 1574, fol. 371, l. 5; Pitscottie, ed. 1778, p. 53] to this effect is, that about 1449 Sir Richard Colvile, a knight, killed Sir James Auchinleck, a friend of the Earl of Douglas, who, in revenge, harried Colvile's lands, besieged his castle, and slew himself. This is given as an example of the Earl's cruelty and oppression. Godscroft states that it was Sir Richard Colvile of Ochiltree who was thus treated [Houses of Douglas and Angus, edition 1644, p. 180]. But the story may well be doubted. The only Colvile of knightly rank who has been discovered in extant records is Sir Robert Colvile of Ochiltree and Oxnam. He and Sir James Auchinleck were both vassals of Douglas; Sir James certainly deceased about the year of his alleged murder, but Colvile was alive and rendering feudal service to the ninth Earl of Douglas in 1453. [Indenture between him and Andrew Ker of Altonburn, 10th June 1453. Vol. iii. of this work; cf. Registrum Magni Sigilli, vol. ii. Nos. 267, 302, 417, 1371.] Colvile therefore could not have been slain by Douglas. The Auchinleck Chronicle [pp. 24, 41] simply narrates that on 20th April 1449, Sir James Auchinleck was slain by "Richert Colvile," who some days afterwards gave up the Castle, and with three companions was beheaded. The Earl of Douglas, it is added, threw down the castle. No clue is given as to what castle is referred to, and "Richert Colvile" may have been a petty assassin, who was punished by Douglas in his judicial capacity.

into a free burgh, being granted for the singular favour and affection the king had towards the Earl.[1]

Towards the end of August, the Earl's name no longer occurs as a witness, as he withdrew from court to prepare for a journey to Rome, to which the papal jubilee was attracting visitors from all parts. The Earl set out at the head of a princely train of attendants, including his brother James and nineteen others of varied rank,[2] all of whom, it is said, he maintained in vestments, defraying also their expenses during the journey. At Rome he received a flattering reception, being honoured beyond all the other visitors to the city. According to Boece, the Earl had become so rich through extortion, that he sought to visit other countries to advance his greatness, but a less romantic chronicler informs us that he went abroad with the leave and by the goodwill of his sovereign.[3]

The safe-conduct to Douglas and his party was available for three years, but he returned to Scotland on the 7th of April following his departure. On his way he passed through England, and was treated with special distinction, Garter King of Arms being ordered to conduct him to the English Court, and to attend upon him during his stay in the country.[4]

[1] Registrum Magni Sigilli, vol. ii. Nos. 301, 340; Nos. 297-389, *passim:* Acts of the Parliaments of Scotland, vol. ii. pp. 63, 64. The Earl was also one of the conservators of the truce with England made in this year. [Rotuli Scotiæ, vol. ii. p. 340.] About the same time he lent £100 to the king, which was duly repaid, and he also received an additional sum as a royal gift. [Exchequer Rolls, vol. v. pp. 383, 384, 393.]

[2] Their names are given in a safe-conduct granted by the English king for passage through his dominions, dated 12th November 1450. Rotuli Scotiæ, vol. ii. p. 343. The Earl's train consisted of six knights, fourteen gentlemen, and eighty men-at-arms. The first part of their journey appears to have been by sea, perhaps to Flanders, as an entry in the Exchequer Rolls of the custumars of Edinburgh (1450-51) refers to a ship of Hugh Brok in which the Earl of Douglas departed. [Exchequer Rolls, vol., v. p. 439.]

[3] Boece, edition 1574, fol. 371; Pitscottie's History, edition 1778, pp. 53, 54; MS. Chronicle, *c.* 1521, by John Law, Canon of St. Andrews, preserved in the Edinburgh University Library.

[4] 27th February (1450-51). Issues of the Exchequer, Rolls Publications, 1837, pp. 468, 469.

It is stated that disturbances at home accelerated his return, as he had left his estates in charge of his brother John, Lord of Balvany,[1] whose conduct gave rise to complaints; that the king, as a punishment, ordered the Earl of Orkney, who is described as chancellor, to collect the rents of Galloway and Clydesdale for the royal exchequer, but to whom payment was refused; and that thereupon the king marched into Galloway, besieged various fortresses and castles, receiving the submission of Lochmaben, and razing the castle of Douglas to the ground.[2]

Much of this statement is erroneous. Annandale, of which Lochmaben was the principal stronghold, with Lochmaben itself, were then in the king's own hands, and administered by the royal officers,[3] and Douglas Castle was still standing in July 1451 and in August 1452. But complications had arisen in the Earl's absence, the most reasonable statement of which is given by Law. He relates that while the Earl was at Rome a report arose, which was confirmed by the result, that William Turnbull, bishop of Glasgow, Sir William Crichton, the Chancellor, and Sir George Crichton, were plotting against the life of Douglas; and that by their advice the king besieged the Earl's strongholds, killed many of his free tenants, received others to his peace upon oath, and with the aid of the conspirators, assembled an army, attacked Crag Douglas (a fortalice on the Yarrow), and on its surrender levelled it with the ground.[4] It is probable that the attack on this tower was magnified into the destruction of Douglas Castle.

[1] Pitscottie, *ut supra*, p. 54. This may be doubted, as Balvany was then comparatively young. Leslie says the Earl of Ormond was his brother's overseer.

[2] Boece, edition 1574, fol. 371; Pitscottie's History, edition 1778, pp. 54, 56. The Earl of Orkney did not become chancellor till 1454. The events affecting the Douglases and their rebellion are mingled in inextricable confusion in the pages of Boece.

[3] *Antea*, p. 430; cf. Exchequer Rolls, vol. v. pp. 357, 520, 668.

[4] Law's MS. Chronicle. The words of this writer seem to imply that Douglas himself was beset within the fortalice, but other circumstances render this improbable.

It is obvious from the account here given, that during the Earl's absence King James the Second had been prejudiced against him. Of Crichton's hostility there can be little doubt, and Turnbull was probably under the Chancellor's influence.[1] Douglas, however, hurried home, and soon regained his credit with the king. He is said to have presented himself at the Parliament held at Edinburgh in June 1451, and submitted himself to the royal will. Influenced by the charm of the Earl's manner, or by the request of the Queen and the three estates, who espoused the Earl's cause, the king restored him to favour, remitting all offences up to that date, and according to the writer who records the fact, "all gud Scottis men war rycht blyth of that accordance."[2]

So complete was the reconciliation between the King and the Earl that the latter's influence was established on a firmer basis than ever. This is shown by the numerous charters now granted to him, in which his whole lands, territories, offices, and castles, which he had formally resigned, were confirmed not only to himself but to a series of heirs, consisting of his four brothers in succession and their heirs-male, thus apparently securing the

[1] The statement of the MS. chronicler is corroborated by the fact that while Douglas and Bishop Kennedy disappear at the same date from attendance on Court, as indicated by charters, the latter witnessing no royal writs till the close of 1451, Turnbull, who had been Privy Seal, and Chancellor Crichton, remained with the king, and are his most constant attendants during Douglas's absence. Others who witness the king's charters are chiefly members of the royal household, and the names change continually. Cf. Registrum Magni Sigilli, vol. ii. Nos. 389-447, *et seq.*

[2] Auchinleck Chronicle, pp. 9, 45. This statement, made by one who usually notes facts without adding opinions, goes far to render very doubtful the many charges made by Boece and others against the Earl of Douglas. The Earl's name is inserted in two safe-conducts to England, on 17th April and 12th May 1451 [Rotuli Scotiæ, vol. ii. pp. 345-6], but it is evident he did not avail himself of these. An imperfect sentence in the Auchinleck Chronicle implies that though the Earl did not go into England, nor take part in arranging the truce completed in September of this year, he sent his seal in token of his assent to it. He was named as one of the conservators.

estates and family of Douglas for many generations.[1] A remarkable clause in three of these charters provides that Douglas shall enjoy the lands as freely as his predecessors, notwithstanding all statutes to the contrary, and also notwithstanding all crimes committed by him, or by his uncle the late Earl Archibald, or any cause of forfeiture or treason up to the date of the charter.[2]

Although Douglas was thus restored to the favour of King James the Second, and reinstated in his possessions, he resented the efforts which had been made to prejudice the king against him, and resolved to strengthen himself against similar attacks in future, by entering into a confederacy with the Earl of Crawford. A recent writer, referring to the fact that at the Parliament at which the king restored to Douglas his possessions, he also bestowed lands on the Earl of Crawford, assumes that previous to this date the two Earls were in close alliance, and that the king was not alive to the danger with which the power of Douglas threatened the Crown, nor aware

[1] Acts of the Parliaments of Scotland, vol. ii. pp. 67-73; Registrum Magni Sigilli, vol. ii. Nos. 463, 464, 466-472, 474-482, 503, 504. Taking these charters as they stand in order of date, the following enumeration of the lands may give some idea of the vast territorial influence wielded by the Earl personally:—Trabeath in Ayrshire; Culter and Crawfordjohn in Lanarkshire; the Forests of Ettrick and Selkirk; Galloway east of the Cree; the wardenry of the Western and Middle Marches; Brondon in Roxburghshire; Lauderdale, with Romanno and Kingsmeadow; Galloway as above, with Buittle and the Castle of Thrieve; Preston in Galloway; the earldom of Douglas and Castle of the same, with the Ferm of Ruglen, county of Lanark; also Abercorn and its castle in Linlithgowshire; Sproustown, Hawick, Bedrule, and Smailholm, in Roxburghshire; Bolton in Haddington; Eskdale with Stablegorton; Aberdour and the castle and rock of Dundarg, county of Aberdeen; Bothwell and its castle, with Cormanock, in Lanarkshire; the office of Sheriff of that county; Glenwhim in Peeblesshire. These were all granted on the Earl's resignation, between the 6th and 8th July 1451, and were followed on 26th October by grants of the earldom of Wigton, or Galloway west of the Cree, and the lands of Stewarton and Dunlop in Ayrshire. It is to be noted that all this extent of territory owed allegiance to the Earl only, apart from the estates possessed by his younger brothers.

[2] Acts of the Parliaments of Scotland, vol. ii. pp. 68, 69, 72.

that a league, offensive and defensive, existed between Douglas and Crawford, against all men, not excluding the king. The same writer, however, admits that the date of the bond is not known on any sufficient authority.[1]

That there was a bond of alliance between the Earls of Douglas and Crawford may be granted, as it is referred to by every historian of the period, but it may be doubted whether it was not an unwritten bond, and if any formal document existed, even Boece does not imply that it was made previous to this year.[2] Had such been the case, the Earl of Crawford would have made some demonstration when the territory of Douglas was threatened during his absence at Rome. In this connection it may be of some importance to note that Crawford, though he succeeded to the earldom in 1446, nowhere appears as a witness to royal charters until 1451, when his name occurs several times between January and August.[3] It was therefore probably during this attendance at Court that he and Douglas agreed to coalesce in opposition to Crichton and Turnbull.

The Earl of Ross is also said to have been a party to the coalition, but the editor of the Exchequer Rolls has shown conclusively that Ross was then a mere youth, and though about the time of Douglas's death he raised a rebellion in the north, the same writer, on good grounds, attributes this act to private revenge, and not to any league with Douglas.[4]

According to Boece and others, Douglas, after this coalition, grew

[1] Exchequer Rolls, vol. v. pref. pp. xci-xciii.

[2] Tytler, who, in his History of Scotland, adopts many of Boece's statements, asserts that Douglas had a league with David, third Earl of Crawford, who fell at Arbroath in January 1446, and immediately after that Earl's death, renewed the bond with his son, Alexander, fourth Earl, and with the Earl of Ross. No evidence of this has been discovered, and even Boece implies otherwise.

[3] Cf. Registrum Magni Sigilli, vol. ii. Nos. 407-491, *passim*. Crawford appears as a witness to the family agreement of the Douglases previously narrated, but evidently as a kinsman, and no weight therefore is to be attached to the act as implying a treasonable confederacy.

[4] Exchequer Rolls, vol. v. preface, pp. xcii. xciii.

extremely insolent, and planned an unsuccessful attack upon Chancellor Crichton, which Crichton retaliated by driving Douglas from Edinburgh. Boece also narrates the execution by Douglas of Sir John Herries of Terregles for raiding in Annandale, although, as alleged, in opposition to the king's mandate.[1] Lindsay of Pitscottie, on his own authority, relates an incident of the beheading of Maclellan of Bomby, in the castle-yard of Douglas Castle, while Sir Patrick Gray, his nephew, was dining with the Earl.[2] This story is not related by Boece, which suggests that the episode, with all its savage details, had not been invented till after his day. If such a deed had been done by Douglas, it could not have escaped the notice of the credulous romancer who records other and minor charges against this Earl. Pitscottie is the earliest relater of that story, but no reliance can be placed on the unauthenticated statement of an author who did not write for upwards of a century after the event, and who is contradicted in an essential part of the tradition by other authors. Pitscottie places the scene of the tragedy at Douglas Castle, in Lanarkshire, while others localise it at Thrieve Castle, in Galloway. This important contradiction casts discredit upon the whole improbable story. The recorded movements of the Earl of Douglas also, and his evident attendance upon the king up to within a short time of his death, are opposed to the statement of Pitscottie that Maclellan's fate enraged the king, and led to the ruin of Douglas himself. Authentic records only show that the Earl of Douglas, after the Parliament of June 1451, received on 26th October a grant of Wigtown and other lands, and was then probably present at the Parliament which met at Stirling at that date. At the same place he witnessed a royal charter on 9th November of that year, and on 26th December and 13th January following, he was with the king at Edinburgh.[3]

[1] Boece, ed. 1574, fols. 372-3.

[2] Pitscottie's History, ed. 1778, pp. 61-64.

[3] Registrum Magni Sigilli, vol. ii. Nos. 503, 504, 507, 522, 523, 1863; cf. Registrum de Passelet, pp. 257, 258; Acts of the Parliaments of Scotland, vol. ii. p. 39.

These were the last public acts of this Earl of Douglas, the final tragedy of whose life took place in the ensuing month of February. The circumstances which led to this event are involved in obscurity. Boece states that the royal summons which brought Douglas to Stirling was prompted by the king's council to put an end to the Earl's enormities.[1] Pitscottie implies that the Earl was openly endeavouring to win the southern barons of his own neighbourhood away from their allegiance, and that he or his adherents were boasting of the power gained by the coalition with Crawford.[2] These writers thus suggest that the fate of Douglas was premeditated. But other and more trustworthy historians narrate the event in such a way as to throw doubt on this view. Following the simplest and most probable account —that of the Auchinleck Chronicle—with which, in the main, other writers agree, the facts of the Earl's death seem to be these. He was summoned to Stirling by a special messenger from the king, bearing not only the royal mandate, but a special safe-conduct, signed by the king and the lords of his council.[3] The messenger, Sir William Lauder of Hatton, brought the Earl of Douglas to Stirling to the king, who received him graciously, and invited him to dine and sup next day. Douglas found the courtiers talking of his bond with Crawford and Ross, and probably guessed the king's purpose, but accepted the invitation. After supper the king invited the Earl to a private conference, remonstrated with him against the bond, which he charged him to break,

[1] Boece, edition 1574, fol. 373.

[2] Pitscottie's History, edition 1778, pp. 60, 61, 64.

[3] The messenger, it is said, was William Lauder of Hatton, a friend of Douglas, to which fact his selection as envoy was probably due, though it would appear he himself was then under sentence of forfeiture. [Cf. Registrum Magni Sigilli, vol. ii. No. 544, and Exchequer Rolls, vol. v. p. xcviii.] The elaborate assurance given to Douglas for his safety certainly argues either that he was suspicious of the sudden summons, or that whatever the king's intentions, those of his council were hostile. The summons, however, was sudden, as Douglas had been with the king in Edinburgh only a month previously.

urging his duty as a subject. But Douglas, perhaps heated by wine, refused, and the interview waxing warm, the Earl defiantly declared that he would not break the confederacy. Starting to his feet, the king exclaimed, "False traitor, if you will not, I shall!" and stabbed Douglas twice with his dagger, in the neck and in the body. Ere the Earl could recover himself, Sir Patrick Gray rushed into the chamber, and struck him on the head with a pole-axe, while others in attendance also stabbed the fallen Earl, whose dead body bore no fewer than twenty-six wounds.[1]

The account here given says nothing of the king's motive for summoning the Earl to Stirling, but another writer states that the safe-conduct to Douglas was given under the great seal. His account of the conference is that the king accused Douglas of assisting the Earl of Crawford, then a rebel; and because Douglas refused to renounce the league with Crawford before communicating with the latter, the king struck him with his dagger, being advised to do so by Sir Patrick Gray and Sir William Cranstoun, two of the royal household.[2] This statement throws some light on the sudden summons sent to the Earl. The rising of the Earl of Crawford, which was quelled on the 18th of May following, is usually assumed to have taken place after and on account of Douglas's death, in consequence of the alleged bond betwixt them, whereas it would appear that Crawford had for some reason been proclaimed a rebel, and that the king feared he might be assisted by Douglas.

Corroborative evidence of this view is supplied by Parliament in an Act passed to exonerate the king from the charges made against him of killing the Earl of Douglas while under the protection of a safe-conduct. The three

[1] Auchinleck Chronicle, pp. 9, 46.

[2] Extracta ex Cronicis Scociæ, Abbotsford Club, 1842, p. 242. It is not necessary to assume that the king was advised to this course —such a plea might be put forward afterwards on his behalf: his own passion seems to have inspired the murder. The writer of the Extracta, etc., also records that the body of Douglas was buried quietly in the place of the Friars Preachers at Stirling.

Estates met on 12th June 1452, when Douglas was dead, Crawford attainted, and while the disturbances which followed on the Earl's death were still going on, and declared the king innocent on three grounds. First, because if the Earl had a safe-conduct he had renounced the benefit of it; secondly, because it was plainly proved that he had entered into conspiracies with other nobles against the king, and that rebellions were arranged and committed by him, his brothers, and their accomplices. The second reason alleges no *written* proofs, while the terms of it seem to refer to the disturbances which took place after the Earl's death, and for which he was not responsible. The last ground of exoneration is that the Earl of Douglas brought about his own death by his obstinacy and his resistance to the many gentle persuasions of the king and others that he would please the king and aid him against rebellious subjects.[1] This last reason for the king's innocence, if true, corroborates the view already indicated, that Crawford had become a rebel, and that the king was afraid that the well-known friendship and the family ties which existed betwixt him and Douglas would lead the latter also to rise against the Crown. It was this and not any formal league which alarmed the king and council, and by the latter's own showing there is no ground for the charge made against Douglas that he was the head of a confederacy which threatened the throne itself.

But whatever colour the obsequious Parliament of King James the Second put upon his deed, and whatever may have been the fault of the Earl of Douglas, his murder while in the king's house as a guest, and under the royal protection, was an aggravation of such a crime. A distinguished author has said that the countenance of the king was marked on one side with a broad red spot, which gained him the surname of James with the Fiery Face, and that they might have called him James with the fiery temper, for he had a hot and impetuous disposition. In proof of this, refer-

[1] Acts of the Parliaments of Scotland, 12th June 1452, vol. ii. p. 73.

ence is made by the writer to the slaughter of the Earl of Douglas as a stain upon the reputation of the king.[1]

There is a consensus of opinion among historians that the invitation which the king sent to Douglas contained an assurance of his personal safety. These writers also add that it was so formal and solemn as to have had the great seal of Scotland appended to it. As Crichton was chancellor at the time, and the great seal in his keeping, it could only have been used with his consent. We have seen in the memoir of the sixth Earl the cordial invitation by which Crichton allured him to his fate, and how little assurances of safety were regarded by unscrupulous men when bent on accomplishing a violation of them.[2] According to the popular accounts of the tumult, immediately after the murder the king's letter of safety was publicly paraded in the streets, and the king branded with perjury.

Being evidently uneasy under his crime, the king did not wait for the exoneration which he hoped to obtain from his pliant Parliament. He selected a confidential messenger to proceed to King Charles the Seventh of France with a letter of credence, and to inform him of what had taken place.[3]

The commotions in Scotland which were the immediate results of the death of this Earl, will be referred to in the next memoir, as they were directed by his brother James, who succeeded him as ninth Earl of Douglas.

[1] Sir Walter Scott, in Tales of a Grandfather, sixth edition, vol. ii. pp. 123-159.

[2] The Crichtons appear to have been a treacherous race. Two grandsons of the Chancellor, William, third Lord Crichton, and his brother George, were forfeited for treason in 1483. Another descendant of the Chancellor appears to have inherited that feature in his character of playing false to invited guests, by burning his own tower of Frendraught, in which several Gordons perished. The eldest son of the incendiary of Frendraught was created Viscount of Frendraught and Lord Crichton in 1642. But treason soon overtook these new titles as it had done the old, the fourth Viscount being forfeited for that offence in 1690.

[3] Letter dated 12th April 1452. Stevenson's Letters and Papers Illustrative of the Wars of the English in France, vol. i. pp. 315, 316.

William, eighth Earl of Douglas, as already stated, married his second cousin, Margaret, daughter of Archibald, second Duke of Touraine and fifth Earl of Douglas. This was done partly as a matter of family policy to consolidate the Douglas estates, partly by the lady's own desire, as Godscroft says she refused to marry any other of the name of Douglas.[1] By his wife, who was probably very young when he married her, Earl William had no children. She survived her husband, and is said to have been married to his brother, the ninth Earl, in whose memoir she will be again referred to.

[1] Houses of Douglas and Angus, edition 1644, p. 158.





VIII.—3. JAMES, NINTH (AND LAST) EARL OF DOUGLAS, THIRD EARL OF AVONDALE, ETC.

LADY MARGARET DOUGLAS, THE FAIR MAID OF GALLOWAY, HIS COUNTESS.

1452—1488.

THIS Earl, the last of the great House of Douglas, was, it is said, originally intended for the Church, but this statement is not supported by evidence. On the contrary, the few notices of his career which occur previous to his succession to the earldom and estates of Douglas, indicate that he inherited the military spirit of his family, and was trained to arms.

The date of his birth is not known. He first appears as a witness to his brother William's charter to the monks of Melrose in 1446.[1] A few months later, under the designation of James Douglas of Heriotmure, he entered into an agreement with his twin brother, Archibald, Earl of Moray, submitting the question of their seniority to their mother's decision. The terms of this document have already been narrated in the previous memoir, and the sequel may now be stated. On the day after the signing of the agreement, the official of Lothian made a formal declaration in terms of an oath taken by certain good women and Beatrix, Countess of Douglas, that her son James

[1] Newark, 26th September 1446. Liber de Melros, vol. ii. p. 572. James Douglas was also with his brother the Earl at Thrieve in the following year, when the charter to the Prior of Whithorn was granted. [Registrum Magni Sigilli, vol. ii. No. 383.]

was the elder of the twins, and this declaration was confirmed by the friends of the family. From that time he was designated Master of Douglas.[1]

James, Master of Douglas, displayed his activity in military affairs by accompanying his elder brother in the raid on the English Border in June 1448, and he is said by Godscroft to have taken the chief part in burning Alnwick.[2] He received the custody of the castle of Hailes from Archibald Dunbar, who had seized the place,[3] and he conceived and endeavoured to carry out the idea of building a fortalice on the isle of Fidra, near North Berwick, in order to secure for himself the command of the Firth of Forth; but he was compelled to abandon this project.[4]

Reference has already been made to the visit of three Burgundians to Scotland in February 1449, and to their cordial reception by the Scottish court. These were James Lalain, eldest son of the Lord of Lalain, his uncle Sir Simon Lalain, and Hervé Meriadec, a Breton, squire of the Duke of Burgundy. The historian who records the festivities on the occasion states that they were all of high spirit, and desirous of exercise in arms. During their sojourn the strangers were enabled to test the prowess of the Scots, as three champions came forward, the Master of Douglas, John (or James) Douglas, a brother of the Laird of Lochleven, and John Ross of Halkhead,

[1] Agreement dated 25th, and Declaration dated 26th August 1447; ratified by King James II. 9th January 1449-50. Registrum Magni Sigilli, vol. ii. No. 301; cf. Nos. 355, 401.

[2] History, edition 1644, p. 171.

Auchinleck Chronicle, pp. 6, 39. Boece [edition 1574, f. 365, l. 78] states that Dunbar attacked the castle by night, took it and slew the garrison, but was in turn besieged by James Douglas, to whom he surrendered the fortress. It may be to this event that the poem called the "Flyting of Dunbar and Kennedy," refers, when it states that Archibald Dunbar betrayed the house of Hailes, because Dunbar Castle was in keeping of the younger Hepburn, whom Archibald bound, placed in a dungeon, and seized Hailes Castle. [Dunbar's Poems, written between 1460 and 1513.]

[4] In 1449, the custumars of Edinburgh take credit for £5, 12s., the price of 14 bolls of wheat delivered to the castle of Edinburgh, for provision at the time of the siege of the rock of Futheray (Fidra), while James, Master of Douglas, wished to build it. Exchequer Rolls, vol. v. p. 347.

all described as of high lineage, powerful and well formed in body and limbs, and greatly renowned for valour. Before the combat the strangers requested knighthood from the hand of the king, who presided, and this being granted, Sir Simon Lalain opposed himself to Ross, James Lalain to John Douglas, while Hervé Meriadec measured himself against the Master of Douglas. The first two pairs of combatants were fairly matched, but the Breton squire struck the Master to the ground with two blows of his axe, and then went to aid his compatriots. But the king, throwing his baton into the lists, arrested the combat, which threatened to begin anew, for Douglas, when he was raised the second time, approached his opponent and endeavoured to strike his face, which displeased the king.[1] The historian adds that the retainers of Douglas, seeing him on the ground, leaped the barriers to aid him, but on the king ordering them to be seized, they took to flight.

In the autumn of 1450,[2] James, Master of Douglas, accompanied his brother the Earl to Rome, and they also returned together to Scotland.[3] In May 1451 a safe-conduct was granted by the English king to the Earl of Douglas, his brothers James, Archibald, and Hugh, also to Lord Hamilton, and a large train of knights and squires. As stated in the previous memoir, the Earl did not use this safe-conduct, but the Master of Douglas passed into England. It is related that a truce being arranged in this year with England, he at once went to London, his reasons for which were not known, and that

[1] Chroniques de Matthieu de Coussy, quoted in Michel's Les Ecossais en France, etc., vol. i. p. 207. De Coussy names the brother of the Laird of Lochleven John Douglas; the Auchinleck Chronicle [pp. 18, 40] refers to him as James, and it also calls Hervé de Meriadec "Larde of Longawell."

[2] Between these dates, James, Master of Douglas, witnessed charters at Edinburgh and Dirleton. [Registrum Magni Sigilli, vol. ii. Nos. 355, 401.] At the latter place, on 11th April 1450, he also received from Lord Haliburton a grant of the lands of Hollows, in Berwickshire. [Original Charter and Precept in Earl of Home's Charter-chest.]

[3] He granted a charter and precept at Jedburgh, on 28th and 29th April 1451, in favour of Sir Alexander Home of that Ilk, of the lands of Hollow. [Originals in the Earl of Home's Charter-chest.]

he was with the king of England a long time, and much made of.[1] This statement is corroborated by an English record, which shows that Garter King-of-Arms was commissioned by King Henry the Sixth to bring Sir James Douglas to the royal presence, wherever the king might be, and to attend Douglas to Scotland.[2] It has been supposed that Douglas was engaged in treasonable negotiations, yet as Garter's mission to the north comprised not merely attendance on Douglas, but the delivery of letters to King James the Second from the English king, and as the herald had also been travelling with letters between the English and Burgundian courts, his attendance upon Sir James Douglas rather suggests that Douglas himself was a messenger from the King of Scots.[3]

Boece, followed by later historians, states that Sir James Douglas, with his brothers the Earls of Moray and Ormond, and their constant adherent, James, Lord Hamilton, attended the eighth Earl of Douglas on his fatal visit to Stirling, on 20th February 1452.[4] More accurate writers, however, do not corroborate this, and the events which followed the death of Earl William are much confused by historians. The king, immediately after that deed,

[1] Auchinleck Chronicle, pp. 8, 44. The truce was concluded on 17th September 1451. [Rotuli Scotiæ, vol. ii. pp. 349-354.]

[2] According to the Pells Issue Rolls, 11th December, 30 Henry VI., £13 was paid to Garter for this service, in which he spent 78 days. Issues of the Exchequer, Rolls Publications, 1837, pp. 472, 473. Garter also spent 147 days in travelling between Burgundy, England, and Scotland, with letters.

[3] Douglas had returned to Scotland before 30th January 1451-52, as at a Justiciary Court held at Dunbar on that day, he became surety for a fine of £10 inflicted on David Duns. The fine was never paid, as Douglas carried Duns off, and the amount was still due at the time of the forfeiture in 1455. [Exchequer Rolls, vol. v. p. 582; vol. vi. p. 95.]

[4] Boece, edition 1574, fol. 373, l. 56; Godscroft [edition 1644, p. 193] relates a tradition not told by any other author, that Hamilton, when pressing forward to follow the Earl into Stirling Castle, was thrust back by his uncle Livingston, an affront he at first resented, but, on learning the Earl's fate, he was grateful for his own safety. But this story is contradicted by the fact that James Livingston, Hamilton's uncle, was then keeper of Urquhart Castle, in Inverness-shire. [Exchequer Rolls, vol. v. p. 639.]

visited the south of Scotland, though whether in hostile guise there is no evidence to show.[1] It was not until 17th March,[2] nearly a month after Earl William's death, that the Master of Douglas, now Earl, and his brother the Earl of Ormond, made any hostile demonstration. On that day they and Lord Hamilton came to Stirling with a force of six hundred men, and after a blast of twenty-four horns, all sounding at once, proclaimed the king and his council dishonoured covenant-breakers. They displayed the letter of safe-conduct, with its seals, at the market cross, and then, attached to a board, it was dragged at the tail of a horse through the town, with expressions of contempt for the royal authority. This act of defiance was followed by the spoiling and burning of Stirling.[3]

From this point the sequence of events can only be surmised. Boece, followed by Godscroft, represents Douglas and his adherents as burning Dalkeith after their raid on Stirling, and attacking the castle, from which they were repulsed. But no evidence of this has been found, and as it was charged against Douglas in 1455, it probably took place at a later period. The king, however, was not inactive. He summoned to his aid Sir Alexander Seton or Gordon, recently created Earl of Huntly, who raised the royal standard, and marched against the Earl of Crawford. The Earl's troops and those of the king met near Brechin on 18th May, and after an obstinate struggle, the royal forces were victorious.[4] In the following month

[1] The royal presence at Lochmaben on 2d March 1452, and at "Gedword" (? Jedburgh) about the same date, is proved by charters granted there. [Registrum Magni Sigilli, vol. ii. Nos. 529-531.]

[2] The Auchinleck Chronicle has 27th March, but it corrects itself by naming the day, St. Patrick's Day in Lent.

[3] Auchinleck Chronicle, pp. 10, 47. The king, it is said, was at this time at Perth. He was at least probably absent from Stirling; on the 24th of March he was at Edinburgh, and the Great Seal Record shows him resident there from 12th April to 9th July 1452. [Registrum Magni Sigilli, vol. ii. Nos. 533-592.]

[4] Auchinleck Chronicle, pp. 27, 48; Lives of the Lindsays, vol. i. pp. 135-138.

Parliament met, and besides justifying the king for killing Earl William, attainted the Earl of Crawford, and made the son of Chancellor Crichton Earl of Moray, in place of Archibald Douglas.[1]

According to Boece and Godscroft, the Douglases were summoned to appear before this Parliament, but no other historian states this. If such a summons was issued, it was treated with scorn. In his exasperation at his brother's death, Earl James and some of his adherents made overtures of allegiance to the English king, who appointed commissioners to receive their homage.[2] They further signified their contempt for King James and the three Estates, by causing to be affixed, during the night, to the door of the Parliament hall, a placard renouncing their allegiance, and declaring their contempt for the council. This document bore the seals of the Earl, his brother the Earl of Ormond, and Lord Hamilton.[3]

These somewhat weak displays of the Earl's wrath were apparently disregarded by the king and Parliament, and though, as stated, Crawford was attainted, no such process was directed against Douglas.[4] It is said, however, that an army of thirty thousand men was mustered on Pentland Moor, at the head of which the king marched southward to Selkirk, Peebles, Dumfries, and elsewhere, but did no good, only destroying the country and harrying a number of his own adherents.[5]

[1] Auchinleck Chronicle, pp. 11, 48, 49.

[2] On 3d June 1452, repeated 17th July, King Henry the Sixth appointed the Bishop of Carlisle and others to receive to his allegiance James, Earl of Douglas, and others, in terms of certain articles signed by the Earl, and recently transmitted to the king through Garter King-of-Arms. Rotuli Scotiæ, vol. ii. p. 358.

[3] Auchinleck Chronicle, pp. 10, 48.

[4] It may have been that Douglas was considered too powerful for forfeiture, but it seems strange that, as the king had the support of Parliament, such a sentence was not passed. It is evident either that the charges of treason, etc., made against Earl William were not true, or that the manner of his death was considered so indefensible that the exasperation of Earl James and his adherents was considered pardonable.

[5] Auchinleck Chronicle, pp. 11, 49. If the Record of the Great Seal is to be relied on as a true index of the king's movements, he re-

Whether such a result was contemplated by this demonstration or not, an agreement or submission was signed at Douglas Castle by the Earl of Douglas on 28th August 1452. The Earl bound himself to take no steps to recover the earldom of Wigtown, until he obtained leave from the queen, and similarly as to the lands of Stewarton, which were at the king's disposal. Of the remaining articles the third and fifth are the most important, as in these the Earl promises to the king, on behalf of himself, his brothers, and Lord Hamilton, to forgive for evermore all malice and feud against any of the lieges for any cause, and specially those who had taken part in the death of his brother William; also to revoke all leagues and bonds, if any, made by him contrary to the king, and to make no such league in future. The other clauses refer to the Borders, and also bind the Earl, he having assurance of his life, to yield maintenance and honour to the king. To this important document were affixed the seals of the Earl and Lord Hamilton, who swore on the gospels to observe the agreement, while they also signed it.[1]

A month later, the Earl received a safe-conduct for two years, to pass into England or elsewhere, with a hundred persons in his company.[2] This was probably applied for previous to the submission, and the Earl did not avail himself of it. He was at Thrieve on 1st November 1452,[3] and at Lanark in the following January. There he entered into a further agree-

mained at Edinburgh until 9th July 1452, but between that day and 5th August there is a blank in the record. It is possible, therefore, that the march referred to took place between those dates. If so, a certain connection between it and the submission on 28th August may be supposed.

[1] The terms of this agreement here given are taken from a copy preserved by Godscroft in his MS. History at Hamilton Palace, but which does not appear in the printed edition of his work. Mr. Tytler [History of Scotland, vol. iii. pp. 505-507] has printed the agreement from Sir Lewis Stewart's Collections in the Advocates' Library.

[2] 22d September 1452. Rotuli Scotiæ, p. 359.

[3] At Thrieve, on that day, the Earl granted a precept for infefting Lord Hamilton in the lands of Drumsargart (Cambuslang). [Original Instrument of Sasine, 8th November 1452, in Hamilton Charter-chest.]

ment with King James the Second. The king had consented to aid Douglas in his desire to consolidate the Douglas estates and retain Galloway, by marrying the widow of his brother William, Margaret, Countess of Douglas, the "Fair Maid of Galloway," and had made application to the Pope on the Earl's behalf; and Douglas, evidently in return for this, and also in view of the king's promise to re-enter him to the lands of Wigtown and Stewarton, gave his oath to render full manrent and service to his sovereign. This he promised to declare publicly in next Parliament after the fulfilment of the king's letters to him. The obligation was conceived in the usual terms of a bond of manrent, and bound the Earl to renounce all leagues contrary to the king, and to assist the latter to the utmost of his power. It was granted by the Earl alone, Lord Hamilton apparently having gone to England.[1]

The papal dispensation obtained by Douglas to enable him to marry his kinswoman and sister-in-law, is dated within a few weeks after this obligation, and its terms prove that King James did join in the petition to the Pope, although Boece asserts not only that the king resisted the dispensation but that it never was granted.[2] The writ also refers to the relations between the deceased Earl William and his bride, and gives as the chief reason for granting the dispensation, a settlement of the wars and dissensions among

[1] A safe-conduct to England for nine months was granted to Lord Hamilton and several others in his train on 3d January 1452-3. [Rotuli Scotiæ, vol. ii. p. 359.] The bond by the Earl of Douglas is dated at Lanark 16th January 1452-3. The copy quoted is preserved by Hume of Godscroft in his MS. History. The bond was printed for Sir Robert Gordon in the Sutherland Peerage Case, 1771 [Appendix No. x.], as from Sir Lewis Stewart's collections. There, however, the date of the bond is given as 16th January 1402, and it is ascribed to a supposititious James, Earl of Douglas, in the time of King Robert the Third. Godscroft also states that the writ is to be found "in the Registers" [MS. at Hamilton Palace]. Neither Boece nor Pitscottie records this submission of Douglas, though they relate at great length the submission and restoration of the Earl of Crawford.

[2] Boece, edition 1574, fol. 374, l. 60. Godscroft makes a similar statement [edition 1644, p. 199].

the nobles of Scotland.[1] The marriage of Earl James and the Countess probably took place soon after the arrival of the papal letters in Scotland.

Godscroft states that King James the Second failed to fulfil his promise as to Wigtown, but this is a mistake. In April 1453 the Earl, along with two others, was appointed to negotiate a new truce with England, and in the commission he is styled Earl of Douglas and Avondale, Lord of Galloway; but in a safe-conduct granted to him a month later, he is described as Earl of Douglas, Wigtown, and Avondale, which shows that the king had kept his word.[2] The truce with England was sealed at Westminster by the Earl as Commissioner, and he also entered into a formal engagement to proclaim the truce in the Debateable Land on the Scottish Border.[3] About the same time he received a safe-conduct for four years, permitting himself and his brothers, the Earls of Moray and Ormond, and Lord Balvany, to go abroad, if they chose, and especially to visit Rome,[4] but whether Douglas personally made such a journey is doubtful. He and Lord Hamilton joined in a petition to the English king for the liberation of Malise, Earl of Strathern, who had been one of the hostages for King James the First of Scotland, and had been detained in Pontefract Castle for a quarter of a century. A mandate for his release was issued on 17th June 1453, his son Alexander taking his father's place.[5]

Other English records contain references to the Earl of Douglas in the year 1453, but give no distinct clue to his movements.[6] It is said that during

[1] The dispensation, which is peculiar in its phraseology, is dated 26th February 1452-3, and is printed at length in Andrew Stuart's Genealogy of the Stewarts, pp. 444, 445.

[2] Commission to Douglas, dated at Stirling 17th April 1453; safe-conduct, dated 22d May; truce sealed at Westminster, 23d May 1453. [Rotuli Scotiæ, vol. ii. pp. 362-368.]

[3] *Ibid.* pp. 363-368; Fœdera, vol. xi. pp. 327-338.

[4] A similar writ, to endure for three years, was granted to Lord Hamilton. [Rotuli Scotiæ, vol. ii. p. 362.]

[5] Earl Malise was Lord Hamilton's brother-in-law.

[6] An entry in the Pells Records of 19th February 1453-4, refers to a visit by Garter King-of-Arms, to request certain appointments with the Earl of Douglas, and attendance on the king while an answer was pre-

this year Douglas paid a visit to the Earl of Ross at Knapdale, and made presents of wine and cloths, receiving presents in return.[1] The Earl acted as Sheriff of Lanark for some period not specified, but his last account as sheriff was rendered in June of that year at Stirling.[2] In the following spring the Earl was at Douglas Castle, and there granted a charter to his kinsman and secretary, Mark Haliburton. This document is dated 28th March 1454, and was accompanied by an obligation, that should Haliburton be disturbed by Margaret, the Earl's Countess, in his possession of the lands, the Earl would provide others of equal value in Lothian, Clydesdale, or Galloway.[3]

pared for the Commissioners and the Earl of Douglas, then in these parts. This, however, may refer to an earlier date.

[1] The Auchinleck Chronicle [pp. 13, 54] records this visit apparently under the year 1455, and states that it took place on 12th May. But as it is said to have taken place in the same year as the siege of Blackness, which, according to the Exchequer Rolls [vol. v. pp. 610, 616, 623, etc.], was an event of 1453, the editor of the Rolls assigns the date of Douglas's visit to May 1453, and assumes that the raid by Donald Balloch of the Isles on Inverkip, Arran, and Bute, was made at the instigation of Douglas. The same writer assigns the raid to this year, 1453, because the Exchequer Rolls of that year refer to the taking of the Castle of Brodick, and the fee of the castellan ceases in that year. The raid was made, it is said, on 10th July, but the Exchequer account which refers to the taking of the castle was rendered on 4th June 1453, and could not refer to a later event. Either, therefore, the Auchinleck Chronicle must be wrong in the month assigned to the raid, or it must have taken place a year earlier. If, amid so much opposition of authorities, a suggestion may be hazarded, it seems probable that Donald Balloch's raid, if instigated by Douglas, took place in 1452, while Douglas and the king were still unreconciled, and that the meeting of the Earls of Ross and Douglas was in May of that year also. For as Douglas was clearly at Westminster on 23d May 1453, and the negotiations for the truce doubtless occupied some days, it is difficult to believe that the Earl could be at Knapdale on the 12th of that month. The date 1455 is also inadmissible, as Douglas was then in England.

[2] The Earl's account as Sheriff is not preserved, but is referred to in the account of his successor in office, Lord Hamilton. An arrear of £420, 11s. 1d. stood against the Earl, who may not personally have rendered his account. [Exchequer Rolls, vol. vi. pp. 101, 103, 159. 160.] The Earl was also Sheriff of Wigtown, *Ibid.* p. 189.

[3] Original Charter and Obligation in Charter-chest of Marquis of Ailsa. Fifth

Nothing has been discovered regarding the movements of Douglas during the year 1454, but it is asserted that about that time the king became apprehensive of the power of Douglas and of his hostile intentions. Several historians say that the king meditated leaving Scotland rather than encounter Douglas in battle,[1] although some indicate that this was a mere ruse on the part of the king, for the purpose of inducing Douglas to fight at a moment unfavourable for himself. The king was evidently uneasy under his crime in assassinating the late Earl, and also in the face of that formidable power, which, if skilfully directed, might have decided that James Douglas would be the future king of Scotland, in place of James Stewart.[2]

In this uncertainty, the king resolved to act with vigour. In the beginning of March 1455 he suddenly laid siege to and demolished the Castle of Inveravon, near Linlithgow, belonging to the Earl of Douglas.[3] The narratives of Boece, Pitscottie, and Godscroft in reference to the movements of the king, though containing some statements of fact, confuse the events of 1452 and 1455 to such a degree that dependence on these historians is impossible. These writers imply that Douglas was the first to raise the standard of rebellion, and so to provoke the king's attack upon Inveravon. But the suddenness of the attack, as narrated by a trustworthy writer, and corroborated by other evidence, renders this doubtful. The simplest explanation of the king's conduct is that afforded by himself in his letter to the King of France, in which he refers to treasons and conspiracies engaged in by the Earl of Douglas and his brothers.[4] Godscroft, whose information regarding this last

Report of the Historical Commission, p. 614. The lands granted were Glenganet, in the barony of Trabeath and the earldom of Carrick, and they were forfeited by Haliburton in 1455. Cf. also Exchequer Rolls, vol. vi. p. 236.

[1] Majoris Historia, edition 1740, p. 323; Pitscottie, edition 1778, pp. 82, 83.

[2] Tales of a Grandfather, by Sir Walter Scott, vol. ii. p. 149.

[3] Auchinleck Chronicle, pp. 12, 53.

[4] Letter dated 8th July 1455. Pinkerton's History of Scotland, vol. i. p. 486.

Earl of Douglas is more copious and accurate than usual, though ill-arranged, implies that while the Earl signed the agreements already quoted, yet the deaths of his young cousins and of his brother, brought about in such a treacherous way, led him to put no faith in the king's promises.[1] Douglas would thus be more open to overtures from the English king, and King James the Second may have discovered such a correspondence, and resolved to deal a deadly blow at the Douglases.

This resolution the king carried out with a promptitude which took the Earl by surprise, and ultimately secured success. From Inveravon the king marched to Glasgow, and gathering an army composed of west-country men and Highlanders, proceeded to Lanark, where an encounter took place with Douglas. It is also stated that the king then passed through and wasted Douglasdale, Avondale and Lord Hamilton's lands, and that Ettrick Forest also suffered from his vengeance. Immediately afterwards he laid siege to the castle of Abercorn.[2]

Meanwhile the Earl of Douglas had summoned his vassals, and is said to have despatched Lord Hamilton to request aid from England, but which, as it could be obtained only at the price of his allegiance, he in the end refused.[3] By Hamilton's advice, he marched towards Abercorn with the intention of

[1] Godscroft's History, edition 1644, p. 199.

[2] Auchinleck Chronicle, pp. 12, 53; cf. Acts of the Parliaments of Scotland, vol. ii. p. 76. The king's movements must have been very rapid. Inveravon was attacked and demolished in the beginning of March, and as will be shown, the siege of Abercorn began in the first week of April. The siege of Inveravon is referred to in the Exchequer accounts, which record payments for implements necessary to its destruction, and a payment is made for the king's lodging while at Lanark. [Exchequer Rolls, vol. vi. pp. 12, 161.]

[3] Godscroft's History, edition 1644, pp. 200, 201. Hamilton and Douglas were apparently together at Peebles on 9th February 1454-5, where the Earl, in presence of his brother John Douglas, Lord of Balvany, and others, again granted to Hamilton the lands of Drumsargart, with the advowson of the church of Cambuslang, and the hospital of St. Leonard. [Original Charter in Hamilton Charter-chest.]

giving battle to the king's army and raising the siege, and Godscroft narrates that when the forces of Douglas came within sight of the royal army, Hamilton strongly urged the Earl to an immediate attack, but that Douglas refused to fight against his sovereign. Hamilton then reproached the Earl with want of resolution, which he declared would be his overthrow, and that same night went over to the king. Next day the remainder of the Earl's adherents deserted their leader.[1]

Godscroft appears to know nothing and says nothing of the influence brought to bear upon the Earl's supporters by Bishop Kennedy of St. Andrews. The bishop figures prominently in the pages of Pitscottie, who, in this case, is not indebted to Boece.[2] Major also refers to Kennedy as the chief adviser of the king at this time, not, however, in winning over Hamilton, but as gradually attaching the more powerful nobles to the king before the final blow was aimed at Douglas.[3] According to another historian the siege of Abercorn began in the first week of April 1455, and heavy ordnance was brought to bear on the fortress. The king directed the attack in person, and on the seventh day of the siege Lord Hamilton came to the king, and securing the mediation of his uncle James Livingstone, then Chamberlain, submitted himself wholly to the royal clemency. The Earl of Douglas, thus left "all begylit," and seeing himself deprived of all assistance, betook himself with only four or five followers to England.[4]

Abercorn Castle held out for a month, but was finally taken by assault, the chief defenders hanged, and the fortress itself demolished.[5] During the

[1] Godscroft, *ut supra*. It may have been during this march that Dalkeith was burned and injury done to other property, as afterwards alleged in the Act of Forfeiture.

[2] Boece, edition 1574, fol. 377 ; Pitscottie, edition 1778, pp. 81-87.

[3] Maioris Historia, edition 1740, p. 323.

[4] Auchinleck Chronicle, pp. 12, 53, 54 ; Letter, King James II. to King Charles VII. of France ; Pinkerton's History of Scotland, vol. i. p. 486.

[5] The castle, apparently, was never rebuilt. It occupied a beautiful situation, commanding a long stretch of the Forth to the east and

same period the battle of Arkinholm had been fought, where the vassals of Douglas, headed by his three brothers, were defeated by the Border clans mustered in the king's name.[1] One of the brothers alone escaped, John, Lord of Balvany. Archibald, Earl of Moray, was slain, and Hugh, Earl of Ormond, taken prisoner. The Castles of Douglas and Strathavon and other fortified places held for Douglas, soon afterwards capitulated. In the beginning of June Parliament met, and pronounced a formal act of forfeiture against the Earl of Douglas, his three brothers, and their mother, Countess Beatrix. When, in the month of July, King James wrote his letter to the king of France, the island stronghold of Thrieve was the only one which still held out for the Douglases,[2] and a month or two later it also surrendered.

Before the Act of forfeiture was passed, the Earl was duly summoned by Lyon Herald to appear personally before the King and the three Estates,[3] but, of course, declined to leave his place of refuge. In the Act he was charged with treasonably fortifying the castles of Thrieve, Douglas, Strathavon, and Abercorn; making leagues and confederacies with the English; appearing in arms against the king at Lanark; assisting his brothers in their rebellions, and burning Dalkeith and other places. Beatrix, Countess-Dowager of Douglas, was charged with fortifying the Castles of Abercorn, Douglas, and Strathavon, burning the lands of Kincavil and others, and generally with aiding her sons in their treasonable proceedings.[4] Besides the Acts of forfeiture passed on 10th and 12th June 1455, Parliament, in

west. Bastions had protected the castle on the north. The site and mounds can still be seen in the woods of Hopetoun, about a mile to the west of Hopetoun House.

[1] It was perhaps on this occasion that David, fifth Earl of Crawford, was set free by Herbert Johnstone of Dalibank. In 1463 the Earl granted various lands to his liberator, chiefly for rescuing him from captivity in the hands of James, Earl of Douglas. [Registrum Magni Sigilli, vol. ii. No. 786.]

[2] Letter *ut supra*, 8th July 1455.

[3] The summons was only issued, or at least executed, on the 24th April, some days after Hamilton's defection.

[4] Acts of the Parliaments of Scotland, vol. ii. p. 76.

the following August, passed another Act enumerating the lands to be vested in the Crown, and included a large portion of the Douglas territory—Ettrick Forest, Galloway, Ballincreif and Gosford, with Ardmanach and a large extent of land on the shores of the Moray Firth.[1] A further Act was also passed, forbidding any one, under pain of treason, to receive or aid in any way the Earl of Douglas, his mother, or John Douglas, Lord of Balvany, then the chief surviving members of the Earl's family.[2]

One of the Earl's first acts after his escape to England was to make over his castle of Thrieve to the English king in return for four hundred merks for the succour, relief, and victualling of that fortress. One hundred pounds were also paid to the Earl, and King Henry the Sixth issued a mandate for paying the Earl yearly the sum of five hundred pounds, until he should be restored to the estates taken from him "by hym that calleth hym self kyng of Scottes." If restored, he was to receive only half the sum.[3]

Some hostilities took place between England and Scotland in the course of the year following the forfeiture of Douglas, but during the remainder of the reign of King James the Second comparative tranquillity prevailed between the two countries, and Douglas remained in obscurity.[4] On the death of King James the Second, and the accession of King Edward the Fourth to the English throne, Douglas was charged with an embassy to the Earl of Ross, which was followed in 1463 by an unsuccessful rising on the part of Ross, to whom, however, Douglas failed to contribute any assistance, perhaps owing to the capture of his brother Balvany.

[1] Acts of the Parliaments of Scotland, vol. ii. pp. 42, 43. [2] *Ibid.* p. 43.

[3] The engagement as to Thrieve was made before 15th July 1455. Issues of the Exchequer, Rolls Publications, pp. 479, 480; Mandates dated 4th August [Stevenson's Letters and Papers illustrative of the Wars of the English in France, vol. ii. pp. 502, 503; Rymer's Fœdera, vol. xi. p. 367].

[4] In the Paston Letters, vol. ii. p. 111, under the date of July 1462, it is stated that the Earl of Douglas was commanded to come from Carlisle, "and as a sorweful and a sore rebuked man ly'th in the Abbey of St. Albans."

During the next twenty years the exiled Earl of Douglas makes no appearance in history.[1] There is evidence that he joined with Alexander, Duke of Albany, brother of King James the Third, and King Edward the Fourth of England in their enterprise against Scotland in 1482, but the further history of that expedition as regards Douglas is obscure.[2] Albany gained the upper hand in Scotland for a time, but in 1483 he again repaired to England, and in his company Douglas once more entered his native land. The circumstances are somewhat peculiar, and suggest desperation or foolhardiness on the part of Albany and Douglas. King Edward the Fourth, their friend, had died, and King Richard the Third, though as Duke of Gloucester he had fostered Albany's schemes, now showed his determination to be at peace with Scotland. Thus foiled in his ambition of becoming King of Scotland, a title he had actually assumed two years before,[3] Albany seems to have stirred up Douglas to accompany him to Scotland, apparently in the hope that the Earl's former vassals, remembering the ancient glory of his house, might rally round him.

But the hope was vain, and the attempt itself ill-advised. With only five hundred horsemen in their train, the two nobles rode on St. Magdalen's day

[1] The Earl was made by King Edward IV. a Knight of the Garter, as shown by the Roll of that Order. Godscroft [ed. 1644, p. 205] states that Douglas was named first of all the English Earls in a book named *Nobilitas Politica;* that the English heralds said of him that he was a very valiant noble gentleman, beloved of the king and nobility, and steadfast to King Edward in all his troubles.

[2] Great preparations were made to meet the English army, but the march of the Scottish king southward was interrupted by the execution of his favourites at the Bridge of Lauder, his own imprisonment, and the coalition of the Scottish nobles with Albany. While the English invasion was expected, a reward of 100 merks of land and 1000 merks in money was offered to any one who should capture the Earl of Douglas. [Acts of Parliaments, vol. ii. p. 139.] It was stipulated by Albany in March 1482-3 that Douglas should be restored to his estates and honours according to an agreement between the exiled noble and Archibald, fifth Earl of Angus, who then held the Douglas estates. [Fœdera, vol. xii. p. 175.]

[3] See treaties by him as Alexander, King of Scotland, with Edward the Fourth of England, June 1482. [*Ibid.* pp. 156, 157.]

1484 towards Lochmaben, vowing, it is said, to make their offering that day on the high altar of the church there. It can scarcely be believed that with so small a force their intentions were very hostile, but rather, as Godscroft has it, to test the affection of their countrymen. Be this as it may, their march was noted, and the smallness of their numbers, and perhaps also the hope of the reward formerly offered for Douglas's capture, led to a concourse of the Borderers, who attacked and dispersed Albany's force. Albany escaped by the fleetness of his horse, but the Earl of Douglas, old in years and weary of exile, was taken prisoner. Godscroft's narrative is here so pathetic and apparently truthful that it may be followed. Struck from his horse, the aged Earl, finding himself on foot, and unrecognised by his former adherents, seeing in the field an old retainer, Alexander Kirkpatrick, called him, and placed himself in his hands. Kirkpatrick wept for sorrow to see his old master so changed and aged, and offered to flee with him into England. But the Earl refused, and only stipulated that his life should, if possible, be secured at the king's hands. In the end King James the Third, while conferring the promised reward upon Kirkpatrick, consented to spare the life of Douglas. When the king and Earl met, and the latter heard himself sentenced to retirement in the abbey of Lindores, it is said he simply replied, "He that may no better be, must be a monk."[1]

According to the same author, this was not the last occasion on which the king and the Earl came face to face. Once again they met, and this time the former was the suppliant. Distracted by the insurrection raised against

[1] Godscroft's History, edition 1644, pp. 205, 206. The correctness of the main facts of the narrative are proved by the terms of a royal charter on 2d October 1484 to Alexander Kirkpatrick, granting to him the lands of Kirkmichael and others = £90 yearly rent, for his service in the battle on the West Marches against the Duke of Albany and James, Earl of Douglas, and specially for the capture of the latter, and bringing him to the king. [Registrum Magni Sigilli, vol. ii. No. 1603.] Other grants were made to other Borderers in connection with service rendered at the same time. [*Ibid.* Nos. 1590, 1594.]

him by his own son Prince James, afterwards King James the Fourth, and unable to raise forces in the south country, King James the Third passed north of the Forth to find faithful followers there. Then, according to Godscroft, he sought the Earl of Douglas in his privacy, and proposed to restore him to all his dignities and possessions if he would aid against the rebel nobles. The reply of Douglas was at once sad and sarcastic: "Sir, you have kept me and your black coffer in Stirling too long. Neither of us can do you any good."[1] The last Earl of Douglas accordingly remained in his seclusion at Lindores, though there is no evidence that he assumed the cowl. He had survived the death from accident of King James the Second, who was the chief cause of the ruin of the Douglas race. The Earl also survived, but only for a short time, the inglorious death of King James the Third at the hands of his own subjects after the battle of Sauchieburn, fought on 11th June 1488. The 15th of April 1488 has been assigned as the date of the death of the last Earl of Douglas,[2] but as no authority is cited, the tradition recorded by Godscroft is probably more correct. This last Earl of Douglas was buried in the abbey where he had found an asylum.

[1] Godscroft's History, edition 1644, p. 206. He states that some allege that overtures were made to Douglas by the rebel lords. Godscroft probably obtained the story from Ferrerius, a historian who is not usually accounted a romancer, but who relates it somewhat less dramatically than Godscroft. Ferrerius says the king did not apply to Douglas in person, but sent a messenger, to whom the Earl replied that it was not possible for him to do the king's will, as he had now no friends, besides being aged and worn with much care. "Others," he adds, "tell the story differently, but this is the more probable." [Ferrerius, Appendix to Boece, edition 1574, fol. 400.] "The black coffer," or at least the treasure accumulated by King James the Third, was afterwards made the subject of inquiry by Parliament. [Acts of the Parliaments of Scotland, vol. ii. p. 230.]

The late James Douglas of Cavers, who was well informed on the history of his own line, told the author of the present work of a tradition in the Cavers family, that the last Earl of Douglas sent a letter from Lindores Abbey to his kinsman of Cavers, dissuading him from engaging in the insurrection against King James the Third. But the letter, if really written, has not been preserved.

[2] Douglas's Peerage, 1764, p. 189.

The marriage between James, ninth Earl of Douglas, and Lady Margaret Douglas, the Fair Maid of Galloway, has already been mentioned. That she became the Earl's wife is proved by the obligation granted in 1454 to Mark Haliburton, as previously narrated.[1] In June of the same year, the Countess Margaret, John, Lord of Balvany, and Beatrix, Countess-dowager of Douglas, received a safe-conduct to pass into England.[2] Tradition alleges that the Countess was residing in Thrieve Castle during the siege, and that she lost an arm, or a hand, shot away by the first discharge of the great bombard brought to bear on the fortress; but the story is not corroborated by evidence, and it does not appear that the Countess was then in Scotland. She remained with her husband in England until 1459, when they separated, and she came to Scotland. A courier from the English king brought letters to King James the Second regarding her, and these seem to have won for her a favourable reception.[3] In that year she received a sum of money as a present from the king, which was repeated in the following year, when she had become the wife of the king's half-brother, John Stewart, Earl of Athole, and the payment was discontinued on the ground that the king had otherwise provided for her.[4] This may refer to the grant on 25th March 1460 to her and her husband of the lordship of Balvany and other lands.[5] She was divorced or dead before 1476, when Eleanor Sinclair is called the wife of Athole.[6]

[1] Doubt has been thrown on the reality of the marriage; and in an account rendered to Exchequer in 1456 as to the rent of certain lands belonging to the Countess, she is described as the alleged wife (asserte sponse) of Sir James, formerly Earl of Douglas. [Exchequer Rolls, vol. vi. p. 205.]

[2] Rymer's Fœdera, vol. xi. p. 349; 26th June 1454. In the Rotuli Scotiæ, this writ is placed at the same date in 1455 [vol. ii. p. 374], but Rymer's arrangement is more in accordance with the progress of events.

[3] £5 were paid to the courier. [Exchequer Rolls, vol. vi. p. 498.]

[4] *Ibid.* pp. 571, 646. The sum paid was, in each year, £66, 13s. 4d.

[5] Registrum Magni Sigilli, vol. ii. No. 750.

[6] Margaret was dead in 1509. Registrum Magni Sigilli, vol. ii. No. 1268; Antiquities of Aberdeen, etc., vol. ii. p. 265. It would

James, ninth Earl of Douglas, so far as is known, left no children, and was thus the last Earl of his name, though not the last male of his family, as he was survived by Hugh, Dean of Brechin, the son of his brother Hugh, Earl of Ormond. Archibald Douglas, Earl of Moray, also left a son James, whose history has not been traced.

also appear that while in England, James, Earl of Douglas, married Anne, daughter of John Holland, Duke of Exeter, relict of two John Nevills, nephew and uncle, and mother of Ralph Nevill, third Earl of Westmoreland. Her second husband, Sir John Nevill, was killed in 1461, and she died on 26th December 1486. [Inquisitiones post mortem, 2 Henry VII. Public Record Office, London.] Anne Nevill is described in the brieve of inquest as wife of James Douglas, Earl of Douglas.





James Earl of Douglas

PEDIGREE OF THE FAMILY OF DOUGLAS, EARLS OF DOUGLAS.

I.—WILLIAM OF DOUGLAS.

The first owner of Douglasdale known to history. He appears on record as a witness to a charter by Joceline, Bishop of Glasgow, in favour of the monks of Kelso, dated between 1174 and 1199; and as witness to a grant by Thomas, son of Tancard, to the monks of Arbroath, between 1178 and 1214. He also witnessed an agreement between Maurice senior and Maurice junior, as to the Earldom of Menteith, dated at Edinburgh, 6th December 1213. He married a sister of Freskin de Kerdal in Moray. He had issue six sons and a daughter. Memoir, pp. 37-43 of this volume.

II.—ARCHIBALD OF DOUGLAS.

Appears as a witness along with William in the agreement of 1213; also in many charters of his brother Brice, Bishop of Moray, between 1203 and 1222, and in a charter by Amelec, brother of Donald, Earl of Lennox, *c.* 1225. In 1228 he witnessed a charter of teinds of lands near Lesmahagow, and other charters of same date. He died before 1240. He is said to have married Margaret, elder daughter of Sir John Crawford of Crawford-John. Memoir, pp. 44-46.

BRICE OF DOUGLAS. Prior of Lesmahagow before 1203, when he was promoted to the see of Moray, where he was bishop from 1203 to 1222, when he died. Memoir, pp. 47-55.

ALEXANDER OF DOUGLAS. Appears as Sheriff of Elgin, and also as head of a "House of God" there. He and his brother Henry are designed "Canons of Spynie."

HENRY OF DOUGLAS. Canon of Spynie, in the diocese of Moray, 1203-1228.

HUGH OF DOUGLAS, a canon and archdeacon of Moray, 1203-1228.

FRESKIN OF DOUGLAS, sometime parson of Douglas, afterwards apparently dean of Moray.

MARGARET, who is said to have married Harvey Keith, ancestor of the Keiths, Earls Marischal.

III.—SIR WILLIAM OF DOUGLAS, KNIGHT.

Appears first in a charter of King Alexander II. confirming a grant of teinds of lands near Lesmahagow, dated in 1240. He was a member of the Parliament of King Alexander III. at Roxburgh in 1255. He made an indenture with Sir Hugh of Abernethy for the marriage of his son Hugh of Douglas to Marjory of Abernethy, sister of Sir Hugh, dated 6th April 1259. He acquired, apparently by marriage, in 1264, the lands of Fawdon in Northumberland under Gilbert Umfraville, Earl of Angus. He was dead before 16th October 1274, and was survived by his wife, a lady whose Christian name was Constance, but her surname has not been ascertained. Memoir, pp. 56-67.

ANDREW OF DOUGLAS. Appears as a witness in the indenture of 1259. He was great-grandfather of William Douglas, the Knight of Liddesdale, and also ancestor of the EARLS OF MORTON.

IV.—1. HUGH OF DOUGLAS.

Distinguished himself at the battle of Largs in 1263. He married (contract of marriage dated 6th April 1259) Marjory of Abernethy, and died without issue before 1288. Memoir, pp. 68-71.

IV.—2. SIR WILLIAM OF DOUGLAS, SURNAMED "LE HARDI."

He was under age in 1256. On the occasion of a raid in 1267 by Gilbert Umfraville, Lord of Redesdale, upon his father's manor of Fawdon in Northumberland, he was severely wounded. In 1288, he acknowledges receipt from the Abbot of Kelso of his charters in the abbot's custody. He swore fealty to the King of England in 1292. In 1293 he was summoned by King John Balliol for failure to render homage, and on appearing was imprisoned for deforcing the King's messengers when enforcing a decree as to his mother's infeftment. He joined Sir William Wallace about 1297, but on 9th July in that year he, with Robert de Brus and other "Magnates Scotiæ," submitted themselves to Edward I. Sir William Douglas was first imprisoned in Berwick, and afterwards in the Tower of London, where he died in 1298. He married, first, Elizabeth, daughter of Alexander, High Steward of Scotland; and secondly, Eleanor of Lovain, relict of William de Ferrers of Groby. Memoir, pp. 72-104.

WILLELMA, described in 1303 as daughter of the late "Sir William Douglas." She married William de Galbrathe, son of Sir William de Galbrathe and a daughter of Sir John Comyn, who gave them Dalsert, and had issue four daughters, the eldest of whom, Joanna, married —— de Cathe Keith?, and had issue Bernard de Cathe. She was the heiress of Dalsert, but died at Candlemas 1301, before her mother, Willelma, who died about Christmas 1302.

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V.—1. SIR JAMES, LORD OF DOUGLAS, CALLED THE "GOOD SIR JAMES."

Son of William "Le Hardi" and Elizabeth Stewart. He was a firm adherent of King Robert the Bruce. He was present at his coronation at Scone in 1306, and fought at Bannockburn in 1314, besides distinguishing himself in many other battles. He was suitably rewarded by the king, receiving charters of the lands of Polbuthy, Jedburgh, Stablegorton, Buittle in Galloway, and others, between the years 1318 and 1324. He was Warden of the Marches, and on receiving a charter of regality from King Robert in 1324 was inteft by obtaining an emerald ring from the king's own hand. In 1329, King Edward III. restored to him the manor of Fawdon, "held by his father," and forfeited because of the war of succession. He received commission from King Robert to convey his heart to the Holy Land, and while on his way was killed in Spain on 25th August 1330. He married, though the name of his wife is unknown, and he was succeeded by his son William. He had also a natural son Archibald, who afterwards became third Earl of Douglas. Memoir, pp. 105-184.

VI.—1. WILLIAM OF DOUGLAS, LORD OF DOUGLAS.

The eldest and lawful son of the "Good Sir James," who succeeded his father as Lord of Douglas. He was under the guardianship of his uncle, Sir Archibald Douglas. He accompanied his uncle to war against the English, and was killed at the battle of Halidon Hill on 19th July 1333. He died unmarried, and was succeeded in the Douglas territory by his uncle Hugh. Memoir, pp. 185-190.

VI.—3. ARCHIBALD OF DOUGLAS, LORD OF GALLOWAY.

He was natural son of the "Good Sir James," and became, by a special destination in the charter of 1342 by King David II., heir of the Douglas estates, and third Earl of Douglas. He was surnamed "the Grim." He took a prominent part in the history of his country under David II., Robert II., and Robert III., and received a grant of the lordship of Galloway on 18th September 1369. In 1371 he was commissioned by King Robert II. as ambassador to King Charles V. of France. In 1384 he recovered Lochmaben Castle from the English. Later he concluded a truce with England, which, however, was soon broken, as the Scots under James, Earl of Douglas, with the French under De Vienne, ravaged a great part of England in 1385. In 1389 he became THIRD EARL OF DOUGLAS, as successor to his cousin James, second Earl of Douglas and Mar. He married Joanna, daughter of Thomas Moray, Lord of Bothwell, and had issue two sons and one daughter. He died on 24th December 1400, at the Thrieve, and was buried at Bothwell. He left also a natural son, Sir William. Memoir, pp. 321-354.

VII.—2. ARCHIBALD, FIRST DUKE OF TOURAINE, FOURTH EARL OF DOUGLAS, LORD OF GALLOWAY.

Is mentioned as taking the Castle of Dunbar in 1401. He and the Duke of Albany received an ample remission on 16th May 1402 for their share in the imprisonment of David, Duke of Rothesay. The Earl was taken prisoner at Homildon in 1402. In 1403 he took part in Percy's rebellion against Henry IV., and was again taken prisoner at Shrewsbury. He returned to Scotland in 1407. In 1409 he received a charter of the lordship of Annandale. King Charles VII. of France, in 1423, invited the Earl to that country as an ally. Douglas accepted the invitation, and arrived in France in April 1424. He was CREATED DUKE OF TOURAINE, with limitation to himself and his heirs-male in the direct line, and was made Lieutenant-general of the French forces. On 17th August 1424 he was killed at the battle of Verneuil, and interred, on 24th August, at Tours. He married Margaret, eldest daughter of King Robert III., who survived him until about 1450. She was buried in the Abbey of Lincluden. They had two sons and one daughter. Memoir, pp. 360-400.

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VII.—3. JAMES, SEVENTH EARL OF DOUGLAS.

He was styled JAMES DOUGLAS OF BALVANY, and also Lord of Abercorn and Aberdour (in Buchan). In 1437 he was CREATED EARL OF AVONDALE, and in 1440 succeeded to the Earldom of Douglas on the death of the sixth Earl. *Vide* page 500 hereof, No. IX. He died on 25th March 1443. He married, first, Lady —— Stewart, daughter of Robert, Duke of Albany, without issue; secondly, about 1426, Lady Beatrix Sinclair, daughter of Henry, Earl of Orkney, who survived him. They had issue six sons and four daughters. Memoir, pp. 431-446.

b

MARY, married, first, in February 1400, to David, Duke of Rothesay, Prince of Scotland. She married, secondly, in 1403, Walter Haliburton. Died c. 1420. No issue.

SIR WILLIAM OF DOUGLAS, styled Lord of Nithsdale. He received several grants of land, including Nithsdale, from King Robert II., and in 1387, the latter the king's daughter Princess Egidia. He was assassinated in 1392, at Dumfries. He left issue a son, name[d] William Douglas, Knight, and who apparently died without issue; and a daughter, who married Henry St. Clair, second Earl of Orkney. She succeeded her brother in the lordship of Nithsdale. Memoirs, pp. 355-359.

V.—2. HUGH, LORD OF DOUGLAS.

Eldest son of William "Le Hardi" and Eleanor of Lovain, born about 1294. He was rector of Old Roxburgh and a canon of Glasgow, and succeeded his nephew, William, Lord of Douglas, in 1333. He, however, served heir to his brother Sir James, who was last infeft in the estates, which Hugh resigned, after holding them for eleven years, in favour of his nephew, William Douglas, son of his brother Archibald, who received a charter of them from King David the Second on 29th May 1342. To this destination the king added William Douglas, Lord of Liddesdale, of the line of the Douglases of Dalkeith, and Archibald, natural son of the Good Sir James, who became third Earl. Memoir, pp. 191-199.

V.—3. SIR ARCHIBALD DOUGLAS.

Had a charter from King Robert the First in 1324, of the lands of Rattray, Crimond, and others. He, with John Earl of Moray, defeated Edward Baliol at Annan in 1332. He became "Warden" or Regent of Scotland, and in that capacity invaded England, but in an attempt to raise the siege of Berwick, was defeated and slain at the battle of Halidon Hill, 19th July 1333. He married Beatrice, daughter of Sir Alexander Lindsay of Crauford, by whom he had two sons and a daughter. His wife survived him, and afterwards married Sir Robert Erskine. Memoir, pp. 200-215.

JOHN OF DOUGLAS, named in a charter by Duncan, Earl of Fife, granting to Lady Beatrice of Douglas, widow of Sir Archibald Douglas, in liferent, and John Douglas, her son and heir, in fee, the barony of West Calder, *ante* 1338. He survived his father, and went to France with King David II., *c.* 1349. He died abroad, before 1342, *s.p.*

VI.—2. WILLIAM OF DOUGLAS, CREATED EARL OF DOUGLAS.

First named in the charter of 1342, granted by King David the Second to him on the resignation of his uncle Hugh. He seems to have been educated in France, and returned to Scotland in 1348. In 1354 he received a charter from King David of all the lands in which his late father and Sir James his uncle had died infeft. In 1356 he was present at the battle of Poitiers in France, where he was knighted by King John. In 1357 he was one of the three great lords who were to be hostages for David II. On 2rth January 1357-8, he was created EARL OF DOUGLAS, and in 1363 his restoration to the English estates of his father and uncle was made a condition in the secret treaty between David II. and Edward III. He opposed the succession of King Robert II. in 1371, but yielded on condition that the king's daughter should marry his son, and he swore fealty at the coronation at Scone, 26th March 1371. He died in May of the year 1384, and was buried in the Abbey of Melrose. He married Margaret, daughter of Donald, and sister of Thomas, Earl of Mar. On the death of Earl Thomas he became EARL OF MAR, and was designated EARL OF DOUGLAS AND MAR. Of his marriage there was issue one son and one daughter. Margaret, Countess of Douglas and Mar, survived her husband, and married, secondly, Sir John Swinton of Swinton, by whom she had no issue. William, first Earl of Douglas, had also two natural children. Memoir, pp. 216-291.

ELEANOR, who married, first, Alexander Bruce, Earl of Carrick, slain at Halidon Hill; secondly, James Sandilands of Calder, ancestor of Lord Torphichen; thirdly, Sir John Tours of Dalry; fourthly, Sir Duncan Wallace of Sundrum; and fifthly, Sir Patrick Hepburn of Hailes.

VII.—1. JAMES OF DOUGLAS, SECOND EARL OF DOUGLAS AND MAR.

Married the Princess Isabel, daughter of King Robert II., about 1371. On the death of his father, in May 1384, he succeeded him as Earl of Douglas and Mar. He was very active in leading incursions into England, one of which led to the famous battle of Otterburn, 12th August 1388, in which the Earl was killed, and his rival "Hotspur" was captured. He left no surviving lawful issue, and was succeeded in his Earldom of Douglas by his cousin, Archibald Lord of Galloway. By his wife, the Princess Isabel, the Earl had one son, name unknown, who died in infancy. He had also two natural sons and a daughter, Memoir, pp. 292-320.

ISABELLA OF DOUGLAS. On the death of her brother James she inherited the landed Earldom of Mar, but not the territorial dignity of Countess of Mar. She married, first, Sir Malcolm Drummond; and secondly, Sir Alexander Stewart, who was created Earl of Mar. He survived his wife, and died in 1436, without issue by her, when the Earldom of Mar reverted to the Crown, in terms of a regrant to Alexander Stewart.

GEORGE, designed "DE DOUGLAS" in a charter by King Robert the Second, granting to him the Earldom of Angus, on the resignation of his mother, Margaret Stewart, Countess of Mar and Angus, dated 10th April 1389. *Vide* Pedigree of the EARLS OF ANGUS, and Memoir, vol. ii. of this work, pp. 17-23.

MARGARET, described by Isabel Douglas in 1394 as her sister. She married Thomas Johns II. and had issue a son John Douglas, ancestor of the Douglases of Bonjedward.

WILLIAM DOUGLAS, ancestor of the family of Douglas of Drumlanrig, DUKES OF QUEENSBERRY.

ARCHIBALD DOUGLAS, ancestor of the family of Douglas of Cavers, in the county of Roxburgh, long hereditary Sheriffs of that county.

ELLINOR, married to Sir William Fraser of Philorth, and had issue.

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VIII.—1. ARCHIBALD, SECOND DUKE OF TOURAINE, AND FIFTH EARL OF DOUGLAS.

Who had in the lifetime of his father the title of Earl of Wigtown. In 1422 he was Earl of Wigtown and Longueville. After his father's death he was usually styled Earl of Douglas and Longueville, although he also took the title of Duke of Touraine in France, and bore the arms of that Duchy. He sat as one of the jury on the trial of Murdach, Duke of Albany in 1425. On the death of King James I. in 1437, the Earl was one of the Council of Regency; and in the next year he was Lieutenant-general of the kingdom, and summoned a Parliament in 1438. He died at Restalrig on 26th June 1439, and was buried at Douglas. He married Euphemia, eldest daughter of Sir Patrick Graham and Euphemia, Countess of Strathern, and by her, who survived him, and married, in 1440, James, first Lord Hamilton, had issue two sons and one daughter. Memoir, pp. 401-422.

JAMES, second son of the Earl of Douglas, is mentioned in an agreement between Robert, Duke of Albany, and the Earl of Douglas on 20th June 1409, and also as a hostage for King James I. in 1421. He went with his father to France, was killed at Verneuil, and was buried in the same grave with him. He died *s.p.*

ELIZABETH, married, first, John Stewart, Earl of Buchan, who was killed at Verneuil. Issue, one daughter, Margaret, married to George Lord Seton. She married, secondly, Sir Thomas Stewart of Mar, *s.p.* Her third husband was William, third Earl of Orkney, who survived her. She died about 1451.

b

VIII.—2. WILLIAM, EIGHTH EARL OF DOUGLAS.

Succeeded his father in 1443. He restored the great power of his house by marrying under papal dispensation, in 1444, Lady Margaret Douglas, "*The Fair Maid of Galloway.*" He ingratiated himself with King James II. and rose to great power and authority in the kingdom. He was made Lieutenant-general, and in 1448 twice defeated the English and ravaged their country to Newcastle. He visited Rome in 1450 with a great retinue. About this time he received a charter of Ettrick Forest, and many other large grants of land. He was Warden of the West and Middle Marches. In 1451 he is said to have entered into a league with the Earls of Crawford and Ross, dangerous to the peace of the kingdom. For refusing to break this contract, he was, in February 1452, assassinated by King James II., in an interview at Stirling Castle, where he was invited under an assurance of safety. Having no issue, he was succeeded by his brother. Memoir, pp. 455-476.

IX.—WILLIAM, SIXTH EARL OF DOUGLAS, AND THIRD DUKE OF TOURAINE.

Who succeeded his father in 1439, when he was in his sixteenth year. He displayed great magnificence in his retinue and household. Lord Chancellor Crichton, resolved on the overthrow of his great power, under guise of an entertainment in the Castle of Edinburgh seized the Earl and his brother, who were beheaded 24th November 1440. He married Janet (otherwise called Margaret) Lindsay, apparently a daughter of Alexander, second Earl of Crawford, who survived him, and was still alive in 1473. The Earldom of Douglas was inherited by his great-uncle, James Douglas of Balvany, Lord of Abercorn and Earl of Avondale. [*Vide* No. VII. page 498 hereof.] Memoir, pp. 423-430.

b

VIII.—3. JAMES, NINTH EARL OF DOUGLAS.

Was a twin with Archibald, Earl of Moray, and by a special instrument was declared to be the elder. He succeeded his brother William in 1452, and took up arms to avenge his death, but afterwards was reconciled to the king, and bound himself to the latter by a special engagement. He married Lady Margaret Douglas, Countess of Douglas, relict of his brother, the eighth Earl, under papal dispensation in 1453, and in the same year went as an ambassador to England. On account of the Earl's alleged treasonable correspondence with England, King James II. determined to break down the power of the Douglases. He laid siege first, in March 1455, to the small fortress of Inveravon, and then, in April, to the Castle of Abercorn. During the siege of Abercorn, Douglas marched against the king with a large force, but hesitated to attack, and being deserted by his chief followers he fled to England. The Earl's brothers, Moray, Ormond, and Balvany, kept up the contest till 1st May 1455, when, at the battle of Arkinholm, they were defeated, and Moray was slain, Ormond executed, while Balvany escaped to England, whither the Earl had preceded him. Douglas, his mother, and his brothers Moray and Balvany, were forfeited by Parliament, and the title of Earl of Douglas was thus extinguished. In England the Earl was well received, and invested with the Order of the Garter. In 1484 he and the exiled Duke of Albany advanced into Scotland with a small force, and at Lochmaben were defeated. Douglas was taken and brought before King James III., who sent him under safe custody to Lindores Abbey, where he died in 1488, *s.p.* While in England, or between 1461 and 1484, he married Ann Holland, widow of Sir John Nevill and mother of Ralph, third Earl of Westmoreland, who died in 1486. In this Earl ended the direct line of the illustrious race of the Earls of Douglas. The lordship of Douglas and other estates were granted to George Douglas, fourth Earl of Angus, who took the king's side in the wars of his chief, and have been inherited by his descendant, CHARLES ALEXANDER DOUGLAS-HOME, EARL OF HOME. But the title of Earl of Douglas has never been restored. Memoir, pp. 477-496.

ARCHIBALD, EARL OF MORAY. He married, in 1442, Elizabeth Dunbar, second daughter of James Dunbar, Earl of Moray. He built the great hall at Darnaway Castle. He was slain at Arkinholm, 1st May 1455, leaving issue a son and a daughter. Memoir, pp. 447-450.

HUGH, EARL OF ORMOND, beheaded in 1455. He had one son. Memoir, pp. 451-452.

JOHN, LORD OF BALVANY, forfeited in 1455. He apparently was unmarried. He was beheaded in 1463. Memoir, pp. 453-454.

HENRY DOUGLAS (in holy orders).

MARGARET, married to Henry Douglas of Borg, and had issue.

BEATRIX, married Sir William Hay, first Earl of Erroll, constable of Scotland, and had issue. She survived him, and was alive in 1480.

JANET, married to Robert, Lord Fleming.

ELIZABETH, described on monument as fourth daughter. She is said to have married Wallace of Craigie.

c

DAVID, who was beheaded with his brother in 1440. He was unmarried.

LADY MARGARET DOUGLAS, "*The Fair Maid of Galloway*," who married successively the eighth and ninth Earls of Douglas without issue. She married, thirdly, about 1460, John Stewart, Earl of Athole, and had issue by him two daughters. She died before 1509.

JAMES, whose history has not been ascertained.

JANET,

HUGH DOUGLAS, Dean of Brechin, who was alive in 1506, but died *s.p.*

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